



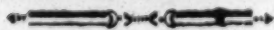
A DISSERTATION

ON

ECCLESIASTICAL JURISDICTION


IN THE

CATHOLIC CHURCH.



PRICE, TWO SHILLINGS.

Just published in English,
THE
H I S T O R Y
OF THE
C L E R G Y
DURING THE
FRENCH REVOLUTION.
By Abbé RARRUEL.

 ERRATA TO DISSERTATION.

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A DISSERTATION

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ECCLESIASTICAL JURISDICTION

I N T H E

CATHOLIC CHURCH.

By the Abbé BARRUEL,

ALMONER to her Serene Highness

THE PRINCESS OF CONTI.



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A DISSERTATION

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P R E F A C E.

THIS treatise was published at Paris, at a time when civil discord and religious animosity had nearly attained their height in that country. The pretended civil constitution of the clergy had filled the minds of men with doubt, anxiety, and distrust. The importance of the subject, and the novelty of the pretensions had alarmed the fears, and awakened the jealousies of all parties in France. At this moment, the author, a man of no mean abilities, and whose name has been honourably recorded in the annals of French literature, thought it his duty to come forward, and to offer to his countrymen a clear exposition of the real state of the case. His view was to instruct the ignorant, to confirm the wavering, to encourage the zealous. The design was not dishonest, his labours were applauded by the head

head of the Gallican church, the surest criterion of his success is the conduct of the French clergy on this trying occasion.

As the circumstances of the case are not local, nor the reasoning of the author personal, it has been thought that it might afford some information to the inquisitive, and some amusement to the curious English readers.

They must be desirous to know, how the same cause, that raised some contentions among their writers, was at the same time treated in a neighbouring country. They have a special right to investigate the real merits of a cause which has driven so many French priests and bishops to be maintained at a great expence by this nation. The cause has been misconceived by some, and misrepresented by others. They will here see on what ground they proceeded, on what authority they rested. Christian charity will not be confined to particular objects, but christian prudence will advise a discrimination that may prevent its being abused.

To the catholic reader we may venture to recommend, not the opinions of an individual, but the faith and doctrine of the church.

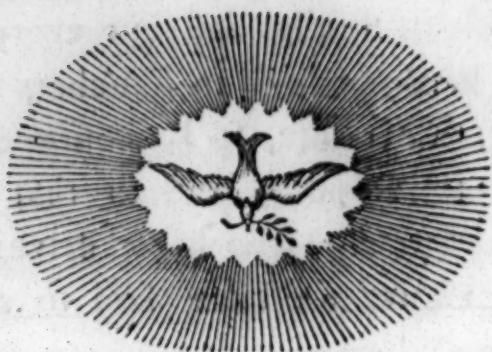
To the church of England, it will not be entirely useless. It will shew the true nature of that spiritual authority, power, jurisdiction,
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the origin of which no human vicissitudes should conceal from their view. If they are anxiously tenacious of what they have gained, they will not be sorry to know what they have lost by their separation.

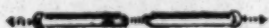
Of the translation little need be said. The intention was not to render slavishly every word, nor every construction or turn; we know the extent of the liberty authorized, and often commanded, by the genius of different languages. But the approbation of the author is a flattering proof, that it has neither weakened his arguments, nor sunk his spirit nor disguised his sentiments. Such as it is, it is now submitted to the candid impartial judgment of the public,

By their humble Servant,

THE EDITOR.



A DISSERTATION
ON
ECCLESIASTICAL JURISDICTION
IN THE
CATHOLIC CHURCH.



WHO are you? In what name do you come to preach to us the kingdom of heaven? By what authority do you pretend to absolve us from our sins, to administer the sacraments, and direct us in the ways of salvation? On what grounds do you style yourself our pastor, and what law obliges us to follow your directions? These are questions which no innovator, no abettor of schism or heresy could ever answer. They are questions which we have put to the bishops and priests of a constitution of yesterday, which they affect to call civil or tempo-

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ral, whilst it totally destroys every spiritual power. We have said to Fauchet, to Gobel, to Lindet, to Marolle, to Lamourette, to Gregoire, or to Gouttes, and to that legion of bishops and priests, who have driven from us our true pastors, we have said to all and to every one of them with the prince of the apostles; *There is no other name under heaven, which can be to us a name of salvation, save only that of Jesus Christ**. If Jesus Christ has sent you, speak out; he that hears you, hears him; whom you absolve, is absolved by him; whose sins you bind on earth are by him bound in heaven. But if you come in the name of men, talk not to us of salvation. Were you a prophet, Jesus Christ knows you not, and he who is not with him is against him; he who sows without him reaps nothing but cockle. The sins which you shall pretend to remit are retained by him; the sinners whom you shall attempt to absolve are condemned by him; the shepherd whom he does not introduce into the fold is a thief, whom he commands us to shun. Either produce your credentials from him, or retire far from us.

* Nec enim aliud nomen est sub cœlo datum hominibus, in quo oporteat nos salvos fieri. Act. apost. iv, 12.

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The constitutional clergy have allowed the justice of our claim; but what have been their answer? No other than what was given by every arch-heretic who has disturbed the peace of the church. We will not produce any credentials of a canonical mission or institution which connects your curates with their bishops, your bishops with the Pope, and the Pope with Jesus Christ: but we have testimonials of our ordination, we have been consecrated, some priests and others bishops. We would wish you to know, that every pastor derives from his ordination the plenitude of ecclesiastical power and jurisdiction. This power is not confined to the narrow bounds of a diocese or a parish, but extends to the utmost limits of the church, or, to speak more properly, it knows no limits*.

This was a strange language in the mouth of a catholic priest, and the constitutional clergy could not but be sensible that it would surprise and shock every man who had studied the nature of an evangelical mission. They

* Luther, article Smalcald, on the power and jurisdiction of the church. Calvin, lib. 4, c. 4. of his Institutions. Camus, p. 14. See the pastoral letters of Gobel, Lindet, Gregoire, Gouttes, and the rest of this new tribe, whose publications are in every body's hands.

spared no pains to prevent the necessity of having recourse to it. At first they were willing to mimick our method of institution by the metropolitan. They next applied to the secular tribunals, and were not ashamed to solicit from the districts *peremptory orders, that they should be canonically inducted by that man among the four prevaricating prelates, whose desertion was marked with uncommon perfidy, and who could add nothing to his dishonour by acting under a commission which he had long resigned. So abandoned an hypocrisy could not escape the notice of the rawest students in theology. It was too plain, that these constitutional bishops, curates and vicars could neither rest on the faith, nor on the ancient or the modern discipline of the church, their plea of a mission which they had received from a secular power. It was now evident, that the arms of Luther and Calvin were neither the weakest nor the most unfair employed in their defence. Under the guidance of these leaders, they lay little stress on the doctrine and still less on the discipline of the church. Here they rest their cause, and when they are reproached with the infamy of drawing their weapons from so foul a source, when we represent to them, that in adopting this opinion,

opinion, they become the humble imitators of men whose fondness for innovation drove them to this last resort, they answer with Camus, that if Luther has advanced some heretical propositions, it was not in this point that he erred. We might tell them, that their opinion is then allowed to be new, and that innovation borders too closely on heresy to be tolerated by the catholic church. But I will not consider it as only new, I will demonstrate it to be false. This is the more necessary as it is the corner-stone of the new church, as it is the only ostensible pretext for the abomination of the desolation of the holy place, for the profanation of all the sacraments, for the practice of invalid absolution in the tribunal of penance, for the most detestable of all deceptions which can be practised by the priesthood on the credulity of the people, who are deluded into a hope of absolution which they never receive; for the most wanton abuse of the confidence of this unhappy people, who seek a remedy for their wounds by laying them open to the ministers of Jesus Christ, while in reality they open them to the deputies of a secular power, whose sacrilegious ministry lulls them into a fatal security, and delivers them over to Satan. Since such are the
consc-

consequences of an opinion adopted by the constitutional clergy, let us exert our endeavours, in concert, with other able writers, to unmask the error, and if it should still find abettors, let them be found only among that class of people who are determined never to yield assent to the clearest evidence.

I am to prove against Camus and other constitutional doctors, that ordination does not necessarily confer jurisdiction. I shall think this completely demonstrated by establishing the three following propositions.

1. There is nothing in the nature of ordination, nothing in the consecration of bishops and priests that can constitute jurisdiction inherent in such ordination; therefore the contrary opinion is at least arbitrary and unfounded.

2. There is nothing in the discipline and the usages of the church, that does not directly militate against the inseparable union of ordination and jurisdiction; therefore the contrary opinion is rash, scandalous and injurious to the church.

3. There is nothing in the dogmatical decisions of the church on the subject of jurisdiction and ordination which does not strongly disprove this opinion; therefore it is false and heretical.

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If the reader will do me the honour to follow me in the course of this discussion, which at the present moment is not unimportant, if he will please to attend to the demonstration of these three propositions, I flatter myself that I shall be able to convince him, that *Calamus* and the constitutional clergy are engaged in a manifest error.

FIRST PROPOSITION.

There is nothing in the nature of ordination that necessarily implies jurisdiction.

To render the demonstration of this truth the more sensible, it will be proper to follow a method in our reasoning, which our adversaries appear very desirous to decline. We will first define the nature of jurisdiction, and then proceed to that of ordination. From the identity or the distinction of their nature, and of their essential effects, we shall be enabled to judge of their indivisibility or their total independence on each other.

The term JURISDICTION, in a strict sense, means only a power and a right in a person to pronounce sentence on those of whom he is a competent judge.

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When used in a more comprehensive sense, it denotes not only the office of a judge, but every act of lawful authority over inferiors.

By ecclesiastical jurisdiction we mean the right and the authority necessary to pastors, for the administration of spiritual assistance and the government of their flock.

Our pastors are appointed to direct and instruct us in the ways of salvation. They have the same power and authority over us, as a master has over his scholars. They must warn, they must edify, they must exhort us; they have the authority and jurisdiction of a father over us. They are to loosen and to bind, to remit or to retain our sins in the tribunal of penance. It is an article of faith, that in these functions they act as judges. According to their rank in the hierarchy, they may not only act thus in the tribunal of penance, but in the most public manner, and in the face of the whole church, they may bind us by censures or absolve us from them. They are to decide on all contested points of religion, they may summon scandalous sinners to appear before them; in this they enjoy every prerogative, authority and jurisdiction of a judge†.

* Concil Trident. Sess. 14, cap. & can. 7.

Again

Again, according to the rank they held in the hierarchy, our pastors are authorized to make regulations, and to enact statutes for the good order and religious government of their flocks; for we are bound to believe, that the religious precepts of the church oblige under sin*. It is then plain that all these pastors have all the powers, all the authority and jurisdiction of evangelical legislators.

Such of our pastors as are placed at the head of the hierarchy, whose rank gives them a superintendence over the inferior clergy, are to appoint proper incumbents for the different parishes; they are to mark out to them their functions, and to invest them with the authority necessary for the service of the church, for teaching and promoting the knowledge of the sublime truths and the important duties of christianity†. They possess all the power, authority and jurisdiction of the apostles.

Such is the nature of ecclesiastical jurisdiction; such are the powers it conveys to those who are invested with it. They are all centered in the bishops, they are shared in a degree more or less extensive by their fellow

* Concil, Triden, sess. 6, can. 20.

† Ad Tit. 1, 5.

labourers in the vineyard. *In some they are ordinary and independent; others have them only by delegation, accordingly as they exercise them in consequence of their appointment to particular livings, or they act under a simple commission.* Whether ordinary or delegated, by these powers the priest is constituted a pastor; to them he owes his competence and the validity of such religious functions as require in him a real authority over souls. This authority is so essential to the idea of jurisdiction, that it cannot possibly exist without it either in church or state. This is an important reflection which I seriously recommend to the consideration of my readers.

We have here given a clear definition of the nature and the essential properties of a jurisdiction which we are told is necessarily attached to the order of priesthood.

Before we proceed to investigate the nature of this ordination, let us consider the natural effects of jurisdiction.

We have observed, that jurisdiction naturally supposes authority in him who exercises it. Authority necessarily implies a connection, a subordination of persons. This connection creates relative powers and duties. If your ordination has by its own nature given
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you jurisdiction over the flock of Christ, it will naturally follow, that as an indelible character imprinted by that ordination accompanies you every where, so will jurisdiction, that is, a power to instruct, to preach, to catechise; to bind and to unbind. Thus you are in all places and to all persons a master, a judge and a pastor. But surely these pompous titles must bring along with them some reciprocal duties. If you are appointed to be our judge, it will be your duty to pass sentence, to bind and to unbind us. For certainly God has not sent us a judge to refuse us justice, a master to withhold his lessons, a pastor to trifle with our necessities and slight our obedience*.

* It will be said, that there are priests who are authorised to preach and to hear confessions, without being obliged to do either. This I readily allow, but I beg leave to observe, that those priests have only a delegated jurisdiction. They are supernumerary judges. They are under no obligation so long as a sufficient number of pastors can be found. The others are in a very different situation. They must either quit their living, or perform the duties annexed to it. If ordination alone gives jurisdiction, I am not at liberty to renounce the one or the other. But in this system the idea of a delegated jurisdiction is absurd, and all the histories, all the laws of the church on this subject are beneath our notice.

The power, the authority you claim over us are not your peculiar property; you enjoy them in common with all other priests. Their ordination has communicated to them all your privileges and immunities. At this rate we shall have as many pastors as there are priests in the church of Christ. Which of them are we to attend to? To which are we to attach ourselves? What now becomes of that text of the apostle of the Gentiles; *Are they then all apostles, are they all prophets, all doctors?* Cor. xii.

From this statement of the nature of jurisdiction, of its effects, of the powers it confers, and the reciprocal duties it imposes, who would not conclude, that it means something more than the bare consecration of a bishop or a priest? If it could be supposed, that they are indivisible and indistinct, who would not cry out with us; What a confusion is here, what a jumble of inconsistent powers? Is this the boasted constitution of the church, admired by its enemies, by heresy and impiety, even while they were exerting their utmost efforts to overturn it? Let us hear no more of the perfect model of a government established by Jesus Christ. Human wisdom has improved the system of the divine legislator.

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Man has framed laws for the practice of the tribunals, has defined their competence and fixed their jurisdiction. Citizens are not judged by strangers; their lives and fortunes are submitted to men whom they know, and who are appointed by the law,—All these precautions were unfortunately overlooked in the code of Jesus Christ.

Consecration alone places all the ministers of the church on the same level. The same divine right gives an equal title to altars, flocks and pastors. No one can call his sheep his own because they may be claimed by every other priest. Amidst a multitude of shepherds, which is to be obeyed?

Let not a Camus, a Gobel, a Gregoire say, that a convention of men has removed all the confusion found in the institution of Jesus Christ, that the temporal power will assign to each a particular mission which was before common to all. The law of Jesus Christ needs not the improvement of human wisdom. In vain would mortal man attempt to circumscribe an establishment which he had erected on a broader basis. To say that Jesus Christ has annexed to sacerdotal ordination a power which could introduce nothing but confusion into his church, is a first blasphemy. Now
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this is precisely what you assert, when you contend that a general, an unlimited jurisdiction, a divine right to teach, to feed, and to govern the flock, is immediately and necessarily derived from sacramental order. To say that this general this boundless power may be confined to narrower bounds by human laws is a second blasphemy, and yet this is what you must be understood to mean, when you assert, that the temporal power can assign to the bishop and the priest, the particular spot in which he shall be considered as pastor, in which alone he may preach and absolve, though Jesus Christ has annexed an universal jurisdiction to his ordination.

But it is not true, that a system of power inseparable from ordination, a system subversive of all order and good government was ever established in the church. The idea of universal jurisdiction common to all priests, of a power which would destroy all subordination by being equally vested in all, which must necessarily end in anarchy and confusion, is incompatible with every form of government. However it may be worth our while to bestow a little more attention on its nature, its effects and its inherent properties. Let us compare these powers with those which form
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indeed the root from which they spring, but which cannot unfold and be called into activity without a fresh act of authority on the part of the church. From a clear exposition of these preliminary articles we shall be enabled to judge, how arbitrary and unfounded is the opinion of the constitutional clergy on the indivisibility of jurisdiction and ordination.

Turn, define and torture the words of ordination as you please, I may defy you to make any thing more of it than a sacrament of the new law giving to him who receives it power and grace to discharge the functions annexed to the rank to which he is raised in the church.

It was necessary that some men should be set apart to be employed in the holy functions, and especially for the administration of the sacraments. Ordination furnishes them. It was necessary that these men should be invested with an august character, which might give efficacy to their words and actions in the discharge of these sacred duties. Ordination gives it. Its great object is to create ministers for the service of the church. If this object cannot be obtained, unless besides this character ordination gives them an authority over the faithful and that power in which jurisdiction

jurisdiction consists, then Camus and Gobel had reason to assert that jurisdiction is essentially attached to ordination. Let us examine the religious action which properly constitutes ordination.

In this august ceremony the first thing to be observed is the imposition of hands on the candidate for holy orders by the bishop, who next invokes the Holy Ghost, and says; Receive the power of offering the body and blood of Jesus Christ. He then proceeds; Receive the Holy Ghost; whose sins you shall remit, they shall be remitted; and whose sins you shall retain, they shall be retained.

From this moment the person so ordained receives a character inherent in his person, an indelible character, which consecrates him a minister of the church for ever. He is a priest, and may now perform all the functions of the priesthood.

He is a priest, and the church now considers him as a man who may be employed in the ministry of salvation; but this ministry has various functions*. St. Paul tells us, that they are not all to be performed by the same person, that no man shall presume to preach

* *Divisiones ministeriorum sunt.* 1 Cor. xii.

unless he be sent*; that each one should have a fixed place in the sanctuary, like Aaron, by a particular vocation†. In this consecration, which raises him to the dignity of the priesthood, I discover in him an aptitude to serve the church, but can you shew me to what altar he is to be attached, and what are the functions he is there to perform? By his ordination I see he is a priest, but I do not see where he is to be employed, or what portion of the flock he is to govern. As a minister of the church he is certainly under her controul, and she has an undoubted right to command his services.

He is not an universal minister, and surely he will not pretend to force his services on the church. The power he has received to serve the church does not authorise him to make his own will the rule of all his actions. As a priest and a minister he must wait the mission of the church, and that particular destination, which points out to him the altar he is to serve, the functions he is to perform, and above all the portion of the flock which he is to govern with all those powers,

* Quomodo prædicabunt nisi mittantur.

† Nec quisquam sumat sibi honorem, nisi qui vocatur a Deo tanquam Aaron.

and all that authority which constitute him the pastor whose voice they are to hear, and the judge to whose decisions they must submit.

By his ordination I see, he may one day be sent to teach me, to conduct me in the path of salvation, but I do not see that he has been actually sent, or that he can claim any authority or jurisdiction over me.

He has received the power of consecrating the bread and the wine, but this gives him no authority whatever, no jurisdiction over the faithful. He may remit or retain sins, so that he is qualified to be a judge; but I do not see on which bench he is to sit. I know that a judge, properly qualified and legally appointed, cannot be competent to pronounce sentence on any person not subject to his tribunal. I know that a shepherd can have no authority over any sheep but his own. Please then to shew me what particular flock his ordination has given him; shew me to what court of judicature he is appointed; or permit me to say, I cannot acknowledge him as my pastor or my judge.

If you ask us, what then are the effects of ordination in the priest who receives a power which he cannot exercise without a fresh commission?

mission? we will answer you by another question. Is it then nothing to have acquired a power without which all the authority of the church would not rise in importance and power above the children of this world? Is it nothing to be enrolled in the tribe of Levi, which alone can aspire to the rank of pastors and apostles? In the order of nature, is it nothing to be that root which hitherto produces no fruit, but without which it is impossible any fruit should be produced? Is it nothing to be raised to a rank among citizens, which enables you to serve your country in the cabinet and the field? Is it nothing in the progressive attainment of science to have obtained the degree of master of arts before you have any scholars? Why should a distinction between power acquired and power exercised, which is admitted in all other classes of mankind, why, I say, should this real and essential distinction not be acknowledged in the church?

But when we say, that without a mission from the church, there can be no ecclesiastical jurisdiction, do not imagine that we rob the priesthood of any of its privileges. This is another mistake originating in a confusion of the different effects of ordination. The nature and the difference of the functions of the holy

ministry should have taught you to distinguish between the inherent power and its occasional activity.

Among the various functions of the ministry, there are some which depend entirely on the individual, the indelible, irrevocable character impressed by the sacrament, and giving efficacy to his actions and his words. There are others which, besides the virtue and the inherent character of the ministers, require a relative connection between him and the faithful, the grounds of authority, subordination and competence; a connection such as exists between the superior and his inferiors, a pastor and his flock, a judge and his culprit, a father and his children; a connection often requisite in every official act which supposes a real authority to pronounce a valid sentence, or to impose a binding duty; a connection without which every act of authority must be null and of no effect, whatever may be the character of the person who exercises it.

From this variety of functions in the holy ministry arises a second difference of powers necessary for the due performance of them.

Every part of the ministry, which rests only on the personal character of the officiating clergyman, may be by him validly exercised
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virtue of the power attached by this character to his actions and his words. This power is in himself, is independent on every relative connection. To exercise it validly, nothing more is required, than that he mean to do it, and employ the proper matter and form to the holy victim to be offered to the living God. The priest of this God, in virtue of his ordination, is empowered to call down the spotless victim on the altar. The character of priesthood alone gives efficacy to these words, This is my body, This is my blood. As often as he shall pronounce them, so often shall the eucharistic mystery be performed.

Is he called in to pray for the descent of grace by the valid administration of a sacrament? His character alone will render his prayer effectual. He prays only, but God absolves, and, according to the views of his infinite mercy, hears his prayer*.

The episcopal character alone gives validity to the sacraments of confirmation and order. Here the bishop lays his hands on the candidate, he calls upon the Holy Ghost, but

* Orent super eum, & oratio fidei salvabit infirmum, & alleviabit eum Dominus, & si in peccatis sit, remittentur ei. Jac. v.

he performs no judicial act, he exercises no species of jurisdiction.

This is not the case in other functions, where the priest is called upon to act as pastor, as superior, as judge. As such he attends in the tribunal of penance. Here faith teaches us, that the absolution he is about to pronounce is not a ministerial, but judicial act*. Now such is the nature of this act, that it can derive validity only from the competence of the person who pronounces, and the subjection of those on whom it is pronounced†.

Of these two powers, that which is inherent in the character, is what St. Thomas and the schools call a sacramental power, which we shall indiscriminately style the power of order, of character of which it is the immediate and indelible offspring.

The second, or the power of authority, of competence is called by divines a power of jurisdiction. This is not personal, it is not inherent in the priest, but to have any effect

* Si quis dixerit absolutionem sacramentalem sacerdotis, non esse actum judicialem, sed nudum ministerium pronuntiandi remissa esse peccata confitenti---anathema sit. Trid. Sess. 14, can. 7.

† Natura & ratio iudicii illud exposcit ut sententia in subditos duntaxat feratur. Trid. Sess. 14, c. 7.

it must be exercised by a pastor, a superior, a judge over those who are subject to his authority, and who are bound to obey him as a person appointed by God and his church to guide them in the ways of salvation.

These are not vain distinctions or idle subtleties, which would disgrace sound theology. There is a difference between these two powers which it requires no great depth of penetration to discover.

The first, I mean the power of character, cannot be exercised by delegation. Inherent in his person it cannot be communicated to another by commission. Priestly functions can be performed only by a priest.

The power of authoritative jurisdiction may be delegated. Thus the supreme power in the church, as well as in the state, may have their subordinate agents.

The first of these powers places you exactly in the situation of a doctor of laws, who may at any time be appointed judge, but who is named to no tribunal. You will be in the church, what a minister of state who has received from his sovereign the seals, but is appointed to no particular department; what the general is, who is at the head of his profession, but does not know what army he is to command;

mand; what the doctor is who has received his diploma, but knows not where he is to teach.

By the second you will acquire all those advantages which accrue to the judge, the minister, the general and the doctor, when appointed by public authority to the command of an army, to the duties of a department or of a chair. They had, before those qualifications, that rank in life which enabled them to aspire to the highest dignities of their several professions; but were incompetent to exercise any act of authority. Their powers are called forth into authority, when the supreme magistrate establishes a relation between the judge and his client, the general and an army, between the superior and inferior, master and scholar; a relation without which there can be no competence, no jurisdiction.

By the first of these powers you will resemble the prophet at the moment when the angel of the Lord had purified his lips to dispose him to announce the oracles of heaven to the people of Israel. To your words is given a power to absolve the greatest sinners to whom you may be sent; you are fully qualified, and you may say with Isaiah; *Behold*

me,

*me, Lord, send me**. But then you must wait with the prophet, till you are sent. Till then hope not that God will ratify your sentence. You will be like those men, who published false prophecies in the name of him who had not sent them†.

By the second you will be what the prophet was when the Lord said to them, *Go and speak to this people‡*. You may now proceed securely. The God who sends you will take care to give efficacy to your words, the sentences you shall pronounce are his sentences, it is he that will bind and unbind.

But we must be careful not to confound the ideas of mission and jurisdiction, which in themselves are totally distinct. There is the same difference between them as there is between the orders of the sovereign and the powers and the rights which are necessary to carry them into execution. An extraordinary mission proceeds immediately from God, from the Holy Ghost. By this the apostles were generally directed in the course of their

* Ecce ego, mitte me. Isai. c. 6.

† Falsa prophetæ vaticinentur in nomine meo; non misi eos. Jer. xv.

‡ Vade & dices populo huic. Isai. c. vi.

evangelical labours. The ordinary mission is given by the church, to which God has subjected all his children, but especially his ministers. The object of a mission from the church is eternal salvation, but various are the ways in which she may chuse to give it, as various as the means employed by sovereigns to give authority to their agents.

Jurisdiction devolves on the minister in consequence of his mission, and constitutes that right or that authority which gives to his words the power of binding or unbinding, and subjects the faithful to his controul. Does it come immediately from God, or from the church, or the bishop, or the council which grants the mission? Those enquiries may flatter the pride of the human heart, but can bring little honour or advantage to religion. I beg leave to wave them as foreign to the present discussion. The church may have received from God the power of giving immediate jurisdiction as well as immediate mission, but it will not follow from hence, that it can grant an immediate jurisdiction which God may have reserved to himself till the mission is obtained, as he grants the sacerdotal character and

and all its powers at the moment of the imposition of the bishop's hands upon us.

All I think worth contending for is this ; Without a mission there can be no jurisdiction, but with it, whether given immediately by God, by the church, or by the bishop, we receive an authority which gives efficacy, competency and validity to all our sentences and decisions. A mission given or repealed gives or repeals all jurisdiction, whether derived from the church or directly from God, who certainly will not acknowledge, as his minister, the man who shall refuse to hear her voice. Math. xviii. 17.

The church has removed a curate from one diocese to another ; his jurisdiction ceases in his former residence, because his mission is changed. The church has accepted the resignation of another, or has issued a sentence of deposition against him ; he can have no jurisdiction because he has no mission.

I should think it necessary to make an apology for entering into so minute a detail, if it was not become a duty to carry the light of evidence into a discussion where every idea has been confounded by our constitutional antagonists. They saw that ordination imprinted a character without which the important

functions of the ministry would be of no avail; and they concluded that this character alone gave validity to those functions. They saw that many of those functions must be invalid without jurisdiction, and they concluded that, together with the character, ordination gave every power of jurisdiction. This made it necessary to give a clear and distinct idea of what is meant, what always has been meant, by the words ordination, jurisdiction and mission.

If they still continue to complain, that we employ metaphysical subtleties in explaining the nature of church government, our answer will be, that we are justified by their example in temporal concerns. They think no distinctions too nice to repel an attack on their persons or their fortunes. Is judgment awarded against them? They are clamorous in their enquiries into the rank and character of the judge. They question his competence and their own dependence. He may be a judge, but does he belong to that tribunal where the sentence passed? If he does, has that tribunal any real authority over their persons or their property?

They tell us, that it would be highly absurd, that every judge, every magistrate should
 preside

preside in every court of judicature in a great empire; that the same superior officer should command all our legions; that a minister should transact all the business of the different departments. Such a system of universal jurisdiction would introduce the most horrible disorder into all the political governments of Europe. Thus they reason, and they reason right. But why will they not suffer us to apply the same distinctions to the government of the church? Would they have us believe, that here Jesus Christ has established an identity of powers, and competence of character and jurisdiction, incompatible with every well regulated society? Can they persuade themselves, can they hope to persuade us, that in the important affair of salvation, that discrimination of powers has been neglected which is carefully preserved in temporal interests? Has the infinite wisdom of the divine legislator adopted a plan which would be reprobated by the meanest capacity among the children of men.

It is then true, that without a mission, without competence and jurisdiction, many of the sacerdotal functions would be invalid and of no effect. But this is not all. Even those functions, the validity of which depends entirely

tirely on the priestly character, would be tainted with a radical vice. They are valid, but they are illicit. The function is holy, but the minister commits a sacrilege.

Nothing can be more plain, than that a minister of the church must be subject to the controul of the church. His services must be regulated by her, his functions must be authorised by her, and he must do nothing in opposition to her commands.

The citizen and the soldier may wear a sword to defend his country, but he must fight in the post assigned him; his zeal and his courage may bring him into action, but he must leave to others the post of honour till he is ordered to advance. If he chuses to act without orders, if he defeats, if he kills the enemy, he commits a murder, an assassination. This is exactly the case of the priest. His ordination has put on him the spiritual armour, but the church is to direct the use of it. The functions, which are valid from character alone performed without a mission from her, is a crime; to act in opposition to her laws is a rebellion which must draw down the vengeance of a God, her lawgiver and protector.

I beg leave to recommend these truths to the serious consideration of the schismatical patriarchs

patriarchs, who in these days of mourning for the church, have not been ashamed to prostitute a venerable character. Their imposition of hands has communicated to others the character with which themselves were invested, but the validity of the sacrament in this case was an aggravation of their sacrilegious attempt. They have done what Judas might have done, had he lived long enough to serve the church as he served his master. His consecration too would have been valid; but its validity would have crowned his treachery by perpetuating in the church a race of traitors.

After your example, the bishops you have consecrated give the same character to other bishops and other priests rejected by the church. The effects of their ordination cannot be prevented, but she had laid on you the severest injunctions not to grant it, You are rebels to the church, and he that sins against her sins against God.

After your example, these pretended ministers presume to bind and to unbind; but their absolution is invalid and null, because they are not sent by the church. If they preach, if they instruct, if they anoint the sick, if they sing the praises of God in our temples, they are guilty of rebellion against the church
and

and their ordination only aggravates their guilt. Their sacred character binds them in a particular manner to the service of the church, and the only use they make of it is to invade her rights and disobey her mandates.

It is in vain that the constitutional clergy appeal from the church to Jesus Christ. It is in vain that they urge that though the church does not attach mission and jurisdiction to the sacred character, yet Jesus Christ certainly did. The assertion is groundless, and contradicted by the plainest documents of gospel history.

Jesus Christ on the eve of his passion instituted a new sacrifice, and he appointed his apostles to offer it up as the true priests of the new covenant. From that moment they were empowered to consecrate the bread and wine in memory of him; but in order to convince us that the character here imprinted on their souls gave them no power, no authority, no jurisdiction over the faithful, he reserves to a future occasion the other part of the ministry which is to make the priest the judge of sinners.

He had formerly mentioned this power to his apostles, but on the eighth day after his resurrection

urrection he actually gives it to them, by breathing on them, and saying, *Receive ye the Holy Ghost, whose sins you shall remit, they shall be remitted to them, and whose sins you retain shall be retained*, John 20. But to mark still more strongly the difference between this power and a mission from a spiritual jurisdiction which can also authorise the exercise of it, he does not grant this mission till a moment before his ascension. He then says to them; *Go, baptize, teach all nations*. Even this is a general mission to the apostles, not a particular one to individuals. It is given to the college of the apostles, and to their successors. It is addressed to all, and all are ordered to go and instruct the whole world*. It is not given to individuals; no particular apostle is to teach the whole world. His personal mission is still a secret to him. He is told to wait for his particular destination from the Holy Ghost†. This divine Spirit will not come down upon them till the tenth day after the ascension of

* Docete omnes gentes . . . euntes in mundum universum.

† Vos autem sedete in civitate quoad usque induamini virtute ex alto. Marc. 16. Præcepit eis ab Jerosolymis ne descenderent sed expectarent promissionem patris. Act. c. 1.

their Lord. He will suggest to them whatever Jesus Christ may require of them while the infant church is incapable of directing their evangelical labours*. The Holy Ghost shall send Philip to announce Jesus Christ first on the road to Gaza, and afterwards to different cities from Azot to Cesarea. Act. Ap. c. 8. He shall reveal to Peter the proper moment for preaching the gospel to the Gentiles. Ibid. cap. 11. He shall give a particular mission to Paul and Barnaby to carry the light of faith to Seleucia, Salamena, and Paphos. He shall prevent Paul and Timothy from going, as they intended, into the provinces of Asia and Bithynia†. He shall chain down Paul and him against his will to Jerusalem‡. Nothing of all this could happen in the supposition of a general mission annexed to ordination, nor can the successors of the apostles and disciples inherit from them a mission which the apostle of the Gentiles had never received.

* Ille vos docebit omnia et suggeret vobis omnia quæcunque dixerò vobis. John c. 14.

† Vetiti sunt a Spiritu Sancto loqui verbum Dei in Asia. Ibid. c. 16. v. 6.

‡ Alligatus ego spiritu vado in Jerusalem. Ibid. c. 20. v. 22.

If an universal mission was given to all the apostles, how comes it to pass that under the eyes of these apostles, and by the special direction of the prince of the apostles, it was confined in the person of James the Minor to the see of Jerusalem? Had he not heard, or had he forgotten the injunction of his divine Master to go and teach all nations, or knowing did he transgress it?

Let not the constitutional clergy then boast that their ordination sets them on a level with the apostles and disciples whose successors they pretend to be, and that they enjoy the same universal jurisdiction in virtue of that commission; Go and teach all nations. This is a wretched sophism. Your ordination cannot give you what the ordination of the apostles did not give them. Therefore it does not give you a mission which the apostles did not receive till a considerable time after their ordination; therefore it does not give you that jurisdiction which the apostles derived from their mission. If like them you have received that general commission, Go and teach all nations, wait like them for that particular, that personal mission which is to give you all your powers.

You insist that your ordination has made you equal to the apostles. Be it so. But I

do not find that you pretend to have received the plenitude of grace infused into their souls by the descent of the Holy Ghost. By his immediate influence were all their steps directed. To you he speaks through the mouth of his church. Wait then as they did for his particular appointment, lest you be disappointed as St. Paul was, when desirous to enter upon a territory which his general commission did not reach.

But you carry your pretensions still farther; you are not only equal to the apostles, you are still more favoured than they were. They were bishops and priests long before they had any mission, any jurisdiction, and you would have us believe that what Jesus Christ did not for them he has done for you.

When you say that your ordination puts you on a level with the apostles, you cannot surely mean to include the inferior clergy. They are not the successors of the apostles, but of the disciples. Now the general commission was not addressed to them. When Jesus Christ is about to issue his commission he speaks to his apostles only*. This mission

* Et accedens Jesus locutus est eis dicens, Math. c. 28, v. 18,

can therefore never reach them, but the apostles or their successors who are to mark out to them the portion of the flock which they are to guide and teach. As to the dignified clergy, they are to consider themselves as forming a part of that body to which the general commission applies. This body, or the head of this body, must direct the movements of each individual. No authority, no jurisdiction can be carried beyond the boundaries marked out by the councils or the Pope.

Your ordination has made you a bishop; but it has done nothing more. A general mission is never mentioned through the whole ceremony. On the contrary you are expressly told that you shall be confined to a limited jurisdiction. It is not said, Receive the gospel, go and preach to all nations; but Go and instruct the people entrusted to your care*.

Jesus Christ declares that as he was sent, so he sends you. *As my Father has sent me, so I send you.* He adds, *He that hears you hears*

* Accipe evangelium et vade prædica populo tibi commisso. Pontif. Rom. de Consec. Epif.

me, and he that despises you despises me. Sent as Jesus Christ was sent, act as he acted. He pretends to no universal mission, but sent to announce the gospel to the poor, they are the constant object of his instructions *. He is only sent to the sheep of Israel which have perished †. If he has told you, that he who hears you, hears him, he has likewise said, *Let him that hears not the church be as a pagan or a publican.* You are a minister of the church, you must receive your commission from her, or all your functions will be either invalid or criminal.

Ministers of state receive their commission from the prince, and shall the ministers of the church be independent on her authority? And shall the ordination they receive from her be the ground of this independence. You surely are not aware of the consequences that must result from this doctrine: consequences too absurd to be admitted by any sober mind. You challenge a mission from those words, *Go and preach the gospel to the whole world—teach and baptize.* But these words, instead of giving

* Evangelizare pauperibus misit me pauperes evangelizantur.

† Non sum missus nisi ad oves quæ perierunt domus Israel. Math. c. 15.

a simple power, contain a positive injunction. The apostles understood them in this sense, and obeyed. How comes it that you who pretend that your ordination puts you upon a level with them, follow a different line of conduct? Called to the ministry, you measure out your services by your own will, or perform no services at all.

I think I have now sufficiently proved that this boasted mission and jurisdiction is arbitrary and unfounded, having not the least foundation in the nature of jurisdiction and ordination. The reader may already perceive that it is insulting and injurious to the church, by depriving her of the services of those who have been particularly destined for the ministry. But the proof of my second proposition will afford farther evidence on this head.

SECOND PROPOSITION.

There is nothing in the practice, nothing in the constant discipline of the church which does not strongly militate against the pretended union of ordination and jurisdiction.

I maintain that every practice, every law of the church militates against this union, which
supposes

supposes that the bishop and the priest carry not about them the right of jurisdiction, as they do the dignity of their sacred character; every law whilst admitting the character, restrains the jurisdiction; every law which invalidates every act of jurisdiction, resting only on the character imprinted by ordination.

I believe I may venture to assert, without the danger of opposition, that if Jesus Christ has inseparably united the two powers of character and jurisdiction, it is strange, it is inconceivable that the church should have acted at all times and in all places, as if she believed in the priestly character, but denied his jurisdiction; it is inconceivable that the bishops and priests themselves should have acted as if their ordination had given them no jurisdiction; that they should have submitted, without opposition, to laws which forbid, under the severest censures, the exercise of any authority in virtue of their sacred character; that they should consider all such acts of jurisdiction as invalid and null.

Open the history of the church, consult her venerable monuments. The researches of the constitutional clergy have been rather unfortunate. After turning over the decrees, the canons and the laws of the church, they have
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not been able to point out one statute, one decision of councils or popes, which expresses or supposes the pretended identity, union and indivisibility of the priestly character and jurisdiction. What they have not hitherto found, they may despair of finding.

Baffled in these researches, they have had recourse to the first ages of christianity. At that early period they tell us, that the priest once ordained possessed sacerdotal jurisdiction in the church to which he belonged. We might ask them, on what record they ground their assertion. But supposing it to be true, that in the so early days of christianity, every priest from the moment of his ordination did possess jurisdiction; supposing it to be true, that from that moment the priest was empowered to bind and unbind, to administer the sacraments, to preach the word of God, to perform all the other functions of the ministry in the church to which he was appointed, does all this prove that jurisdiction was given by ordination alone?

If in these early ages, the bishops took care to admit to holy orders a number of men barely sufficient to fill the ministry; if no man was admitted who was not appointed to the service of a particular church; will this prove

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that it was in virtue of his ordination, and not of the mission which accompanied it, that he performed these functions?

It was a wise law which attached every priest to a particular altar. As long as this law remained in force, the faithful were never shocked with the sight of a strolling vagabond clergy, they never saw priests without employment, exhibiting in various places and by various shapes, their useless, and too frequently their scandalous existence. The priest was ordained, and at the same moment he was sent, and the necessary jurisdiction accompanied the mission. But I maintain that it was not ordination but mission that gave him jurisdiction. To disprove this, it will not be sufficient to produce priests exercising their functions in a particular church. You must shew them in virtue of their character exercising the same ministry in all churches where they may happen to be. If jurisdiction does not follow them every where, I have reason to conclude that it is not inherent in their ordination. But I go still further. If they do not shew that not only those priests were actually exercising some of their functions, but that the functions they exercised required jurisdiction, they prove nothing. If it
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be true that some could baptise and preach, and they could not absolve, I must be allowed to conclude, that jurisdiction was confined within limits which were unknown to ordination. But that bishops and priests never claimed an universal jurisdiction over all churches, that priests enjoyed it not even in their own, is clearly established by the canons of our general councils.

In this supposition alone can they account for the ancient usage of attaching every priest to a particular church, for the severe censures, for the marked contempt with which those were treated who abandoned these first engagements. For why should this change of altar be considered as a spiritual divorce, if the authority he enjoyed in the first church, necessarily accompanied him to all others? If by divine institution, not only his character, but spiritual jurisdiction attends him every where, what power on earth shall attempt to punish him for exercising it every where? Shall men presume to circumscribe a power which Jesus Christ has granted without restriction? Yet certain it is, that no sooner have a few bishops and priests set the example of this desertion of their first engagements, and ventured to exercise their functions in other churches, but the councils

of Nice, of Sardica and Carthage enacted the severest decrees to repress the audacious attempt.

“ Let neither bishop, nor priest, nor deacon
 “ be translated from one town to another, cry
 “ out the fathers at Nice. If after this decree
 “ of the holy council, any one shall attempt it,
 “ or consent to it, let his insolence be repres-
 “ sed, and let the person so translated be re-
 “ stored to the church in which he was or-
 “ dained bishop or priest.—Those, add the
 “ same fathers, who abandon the church in
 “ which they received their ordination as
 “ priests, deacons, &c. must on no account be
 “ received into another church, but they must
 “ be compelled to return to their own diocese,
 “ and if they refuse, they shall be excommuni-
 “ cated. If any one shall presume to take
 “ away a person dependent on another, and to
 “ ordain him in his church without the con-
 “ sent of his own bishop, the ordination shall
 “ remain without effect*.

* *Omni necessitate cogitos par est redire ad parœcias suas; pertinace vero excommunicari oportet. Si quis ausus sumere eum qui ad alium pertinet, & in sua ecclesia ordinare non consentiente proprio episcopo, a quo recesserat clericus ille, irrita erit hujusmodi ordinatio. Nicæn. can. 15, & 16,*

The African councils enforce these dispositions of the Nicene fathers as having the sanction of several other synods. "It has been decreed by many councils, and we hereby confirm such decrees, that no bishop shall take away a clergyman without the consent of his own prelate*." Not only they confirm these statutes, but add another clause forbidding all priests to abandon the principal church and go to another established in the same diocese†.

The council of Sardica also enacts, that ordination, without the consent of the bishop, shall be reputed null.‡.

The reader need but be moderately conversant in the history of the councils, to know that these canons have been renewed in the middle and the latter ages. Our synods and

* In multis consiliis hoc statutum est, etiam nunc hoc confirmandum est, ut clericum alienum nullus sibi præripiat præter ejus arbitrium cujus fuerit clericus. Codex Eccles. Afric. Labbe, tom. 3, 1077,

† Ut nemini sit facultas, relicta principali cathedra, ad aliquam ecclesiam in diœcesi constitutam se transferre. Ib. 1093,

‡ Et hoc universi constituemus, ut quicumque ex alia parochia voluerit ordinare alienum ministerium sine consensu episcopi ipsius & voluntate ordinare, non sit rata ordinatio. Can. 19.

general

general assemblies have not been more indulgent to the bishops who have attempted to carry their jurisdiction beyond their own dioceses.

They expressly tell us, that a bishop, who shall presume to extend his authority beyond the diocese, to which he is appointed, is guilty of an unwarrantable enterprise, of the invasion of another's rights, and a violation of the ecclesiastical law*.

At an æra more modern the council of Trent pronounces still heavier censures on the guilty prelate†.

What now becomes of the universal jurisdiction which you pretend to be inherent in the bishop and the priest in virtue of their ordination? Can you believe that they have a right to act every where as priests, pastors, apostles and judges of souls? Can you believe that they derive this right from Jesus Christ,

* *Ne parochia cujuslibet episcopi alterius civitatis episcopus canonum temerator invadat & vesanæ cupiditatis facibus inflammatis, suisque admodum non contentus rapiat alienam. Capitul. Carol, Mag, Baluz. tom. 1, pag. 1114.*

† *Si secus factum fuerit, episcopus ab exercitio pontificalium, & sic ordinati ab executione ordinum, sint ipso jure suspensi. Sess, de ref. 6, c 5.*

while

while the church has in all ages adopted the most determined measures to confine it within narrow bounds? Can you persuade yourselves, or can you hope to persuade us, that the church would threaten with her severest censures, and the infliction of exemplary punishment, the exercise of a power granted by Jesus Christ without any limitation?

Perhaps you will tell me, that the church in condemning the exercise of the ministerial functions out of the precincts appointed, considered them as illicit, but not as invalid, that she assumed no other power over jurisdiction than over character. For in your system she has no authority over either. If the powers inherent in the character could become illicit, it can only be, because the priest having no jurisdiction without a mission, is immediately subject to the controul of the church, and no man can take possession of an altar, or exercise any of his functions legally without her consent.

In your system, the reverse of all this must be admitted. A priest once ordained has not only the power, but a right to officiate at all our altars, to absolve in all our tribunals, he is every where by divine right a superior, a pastor, a judge of the faithful. What then can
prevent

prevent him from acting every where not only validly, but legally in those several capacities? After all your ingenuity in torturing the letter and explaining away the spirit of the laws and usages of the church ever intent on circumscribing and limiting the functions of the priest and the bishop, you will be obliged to confess that she never believed, or at least that she never acted as if she believed any jurisdiction inherent in character, any power of the keys inseparably united by God to ordination.

In the infancy of christianity, the apostles acknowledged no such jurisdiction inherent in the imposition of hands. They reserved to themselves the power of founding churches, and naming the ministers. For this purpose the Holy Ghost directs them into different provinces. Paul is unwilling to enter a city which has fallen to the lot of another; he chuses to preach the gospel where it had not been preached before; he will not build on a foundation laid by another*. This consideration alone witholds him from undertaking a journey to the imperial city, which he had long wished to visit, and where Peter has preached

* Sic autem prædicavi, non ubi nominatus est Christus, ne super alienum fundamentum ædificarem.

the faith, and where he himself is one day to seal it with his blood*.

This mission, which regulated the conduct of the apostles, they strongly recommended to the practice of future ages. No sooner had they founded a church but they proceeded to provide it with a pastor to whose care they intrusted this portion of the flock of Christ. In his commission it is not said, Go and teach the world; but teach this people committed to your care.

Jesus Christ founded the first church, and the apostles will make such provisions for its service as shall be a rule for the practice of future ages. James the just is appointed bishop of Jerusalem. In company of the other apostles he had heard the general mission. But his personal mission is for the church of Jerusalem, and he will not quit it to announce the gospel to other nations.

When Paul consecrated Titus and Timothy, the former bishop of Crete, and the latter of Ephesus, their instructions are local as is their mission. When he sent from Milete, for the bishops of Ephesus and the neighbouring

* Propter quod & impediēbat plurimum venire ad vos; & prohibitus sum usque adhuc—Cupiditatem habens veniendi ad vos ex multis jam præcedentibus annis.

cities, he does not recommend all churches to their zeal, but the particular flock which the Holy Ghost had appointed them to govern*. When St. John addresses himself to the bishops of Ephesus, Smyrna, Pergamus and Thyatira, he does not impute to them the disorders which had crept into the churches of Sardica, of Philadelphia, or of Laodicea. Thus from the days of the apostles down to our own, no vestige is to be found of that general jurisdiction said to be inherent in the priestly character.

The church has ever confined the jurisdiction of the bishop and priest within the bounds of the district and the parish; this has been proved, and is sufficient to overturn a favourite system. But the church has gone still farther, and even within these bounds has limited the faculties of her ministers.

I am willing to believe, that it will be allowed, that a disciple of St. John, the second successor to St. Peter in the see of Antioch, was a competent judge of the powers of the priesthood; and that the priests, many of whom were ordained by the apostles themselves, were not ignorant of the real extent of

* Attendite vobis & universo gregi in quo vos spiritus sanctus posuit regere ecclesiam Dei.

the privileges, prerogatives and pre-eminence derived from their character. Let us then hear Ignatius the martyr. "Let nothing be done in the church without the bishop. Let no man presume even to baptize, or to celebrate the holy mysteries without his permission. What the bishop approves is ratified by God. He is a slave to the devil, who pretends to serve the church without the approbation of the bishop*."

I wish you would pay some attention to the words of a disciple of the apostles: He is a slave to the devil who exercises the functions of the ministry without the approbation of the bishop. Here then ends your boasted character. You insult your God and his church, by acting without a mission, and without the approbation of him who alone is capable of giving a sanction to your proceedings.

I have given you the opinion of a successor of Peter in the see of Antioch. I will now give that of a successor of his in the see

* Sine episcopo nemo quidquam faciat eorum quæ ad ecclesiam spectant—Non licet sine episcopo neque baptizare, neque agappen celebrare, sed quodcumque ille probaverit; hoc est Deo beneplacitum, ut tutum ratumque sit quodcumque agitur.—Qui clam episcopo aliquid agit diabolo præstat obsequium. Ignat, Epif, ad Smyrn, N 8, & 9, Ad Phil, N 76

of Rome, who holds the same language, and assures you, that if you would reconcile sinners to God in the tribunal of penance, this can only be done by a mission from the bishop*. You will please to take notice, that he is not speaking of that public reconciliation, that solemn judgment which could be pronounced only by the heads of the hierarchy; but of a private absolution from hidden sins. You allow that in the solemnity of a public judgment your character gives you no authority, and you have here the testimony of a Pope in the first age of the church, that you

* Unde Evaristus papa ait: iussione episcopi de occultis peccatis presbyteri poenitentes reconcilient.

We have cited the authority of Evaristus, though the words may not be of that Pope; but they certainly have the authority of a very ancient tradition: the text is cited word for word by Gerard of Tours many years before Gratian, and the doctrine it teaches has never been disputed: in these latter times we find the same authority cited by Delaunay in his excellent work on the rights of episcopacy. It is therefore of small importance, whether they be the words precisely of Evaristus or not. They have the authority of a very ancient tradition, and have been often cited as containing an article of doctrine; and their sense is perfectly the same as that of St. Gregory, Pope: from hence they derive their weight, and for this reason we attribute them to Evaristus, as others have usually done, before us,

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can have none in the private tribunal of penance without a mission. We may then safely conclude that a priest, in virtue of his character, has no jurisdiction either public or private.

The only authority you have thought proper to quote in favour of your system, is that of Jerome. With his usual eloquence this father extols the power, the prerogatives, the holiness of the sacerdotal character. But does he tell you that this power is in its exercise independent on the church? On the contrary, he assures you, that such an independence would be productive of as many schisms as there are priests, that it is lodged with the bishops for the advantage of the church, that you must apply to them for a mission if you would preserve the unity of faith*.

Perhaps you will pay some regard to the opinion of St. Gregory of Tours. This holy prelate declares, that to assume any authority, to exercise any of the pastoral functions without a mission from the bishop, is a he-

* *Ecclesiæ salus in summi sacerdotis dignitate pendet, cui si non exors quædam et eminens datur potestas, tot in ecclesiis efficientur schismata quot sacerdotes. Adv. Lucif.*

resy*. The reason assigned by the holy prelate deserves a particular notice. He says that authority belongs to him who is appointed to the cure of souls. This is exactly the point which we have wished to establish. Either shew us the souls which were committed to your care at your ordination, or pretend not that ordination has given you any jurisdiction over souls.

To these clear, these decisive testimonies, I will add the authority of one of the greatest luminaries of the church. I mean St. Gregory, Pope. This learned father has taken great pains to investigate this matter thoroughly, and the result of his researches is, that all authority over souls, all power of binding and unbinding belongs to those who filling the place of the apostles have been appointed to the government of a church†. He does not exclude the inferior clergy from a participation of the ministry. The bishop unable to attend personally

* Nec istud sine hæresi accipi potest ut in ecclesia non obediatur sacerdoti Dei (episcopo) cui ad pascendum oves commissæ sunt, et ille se ingerat potestati, cui neque a Deo, neque ab hominibus aliquid est commissum. Lib 2, hist c 23.

† Horum profecto nunc in ecclesia episcopi locum tenent, ligandi atque solvendi auctoritatem, fuscipiunt qui gradum regimenis sortiuntur. Hom 6 in Joan.

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to every thing may stand in need of their assistance. Their character fits them for the service, to them he will delegate part of his authority to reconcile sinners to their offended God, to conduct them in the path of repentance, and to pronounce over them the words of salvation*.

If the authority of these holy doctors of the primitive age of the church do not convince you, hear what the most celebrated councils of antiquity have defined on the subject. The canons of the apostles will assure you, that notwithstanding your priestly character, you would be guilty of great temerity, if you presumed to exercise any functions without a licence from the bishop, and for this plain reason, because to him is given the care of souls, and he is to answer for those which he commits to your direction†.

* *Sunt autem minoris ordinis sacerdotes, qui videlicet in adiutorium majorum peccata delinquentium subtiliter investigant.—Non enim qui sanctis ecclesiis præsunt per semetipsos cuncta agere prævalent; sed dum ipsi causis spiritualibus occupantur, si qua prava ac carnalia perpetrantur, hæc aliis discutienda ac corrigenda committunt. In Ezech, l. 2.*

† *Presbyteri et diaconi præter episcopum nihil percontent; nam Domini populus ipsi commissus est, & pro animabus eorum hic redditurus est rationem. Can, apost, 40.*

The

The council of Nice speaks the same language, and decrees, that though you have received the sacred character, still if your ordination had not the sanction of the church, you cannot pretend to exercise any act of jurisdiction, the church knows you not, and pays no regard to your character*.

But I will suppose, that your ordination is not liable to the least objection; still the fathers assembled at Laodicea and at Toledo declare, that without a mission from the bishop, your powers are imaginary, your jurisdiction null†. Be particularly careful not to attempt the administration of the sacrament of penance; for the council of Carthage declares, that without authority received from the bishop, your absolution is null, unless his absence and the extreme danger of the penitent should render it necessary‡.

The general and provincial councils of more modern times have enforced this disci-

* Si qui citra examinationem promoti sunt presbyteri, eos canon non admittit. Can. 9.

† Presbyteri nihil sine præcepto et consilio episcopi agant. Laod. c 57. Sine conscientia episcopi nihil penitus faciendum. Tol, c 20.

‡ Ut presbyter inconsulto episcopo non reconciliet penitentem, nisi absente episcopo et necessitate cogente. 2 Carth. 32.

pline delivered down to them from the earliest ages of the church. They all declare, that without a mission from the bishop, who is the only competent judge of public sinners, no priest can absolve from private transgressions*. If you will take the trouble to look into the canons published by Herard of Tourbaout the middle of the ninth century, you will find the same statutes couched in the same words as were used by Evaristus in the first. Tom. 1, can. 59, col. 1291.

In days still nearer to our own, the eastern churches have published what has been delivered to them by a tradition which they can trace up to the apostles†. Zonaras and Balsamon, in the name of the same churches, lay it down as a point of the clearest evidence, that according to the ancient canons no priest can absolve without having obtained a licence from the bishop‡.

* *Omnino non dimittatur ut unusquisque presbyter jussione episcopi de occultis tantum judicet, quia de manifestis episcopos semper convenit judicare*, Baluz, tom. 1, col. 958, n. 206.

† *Nec gratiam concilii pœnitentibus, nisi accepta ab episcopo venia; hoc enim vult apostolica & paterna ecclesiæ constitutio*. Niceph. Cartophil, epist. ad Theodorum, apud Leunel, tom. 1, Jurisp. orient.

‡ *Qui confessiones excipiant, nisi episcopo conce-*

Such was the faith and such the discipline of of the eastern churches down to the 4th council of Lateran. From that period I believe you do not dispute the laws and usages we have objected to you. In the west these laws and these usages were preserved in all their purity. You need only look into the councils of Poitiers, of Beneventum, of Clermont, Rheims, Paris, Oxford, and many more, to be convinced of this truth. Not to insist any longer on quotations, which may tire your patience, I will only add, that the council of Paris in 1212 decreed, that no priest is authorised to hear confessions *without the consent of the proper pastors and the order of his superiors*; *Can. 12*; that a council still more numerously attended has laid it down as a rule, that if any prince on earth should chuse a priest to direct and judge his conscience, unless he has obtained a dispensation, such as has been granted to the kings of Francè, such priest shall not become the chaplain of the prince, he shall not exercise any authority over his soul without a

dente id faciant, neque ligandi neque solvendi ullam facultatem habent. Zonar, in concil. Carth. Ex præfenti canone evidenter ostenditur non licere sacerdotibus hominum confessiones audire & peccata remittere sine episcopali permissione. Balsam. in can. 7, Concil, Carth.
mission

mission from the bishop. This prohibition was issued by 225 fathers of the council of Clermont, with Pope Urban II. at their head. It was not new, but it enforced the discipline of preceding ages*. What you are not allowed for the princes of the earth, you shall not do for their subjects. This is another statute of the same council†.

I had undertaken to prove, that jurisdiction is not inherent in the priestly character, that a mission was necessary to the exercise of his sacred functions, and I am willing to flatter myself, that the various proofs I have adduced, have fully evinced the assertion that such has ever been the belief and the practice of the catholic church.

That cause must be desperate which rests its support on a distinction without a difference, on an opposition between the spiritual œconomy of the church and the institutions of its divine founder. Yet this is the last wretched subterfuge to which you are reduced. You allow indeed, that the church hav-

* Ut nullus princeps capellanum habeat nisi quem sibi episcopus suus aut archidiaconus procuratorem animæ delectum constituat.

† Ut nullus presbyter capellanus alicujus laici esse possit absque concessione episcopi. Concil, Clarm, an. 1095, can, 18.

ing established a hierarchy, it was incumbent on her to enact such laws as were best calculated to secure its duration. But then you contend that none of these laws could repeal or annul a jurisdiction granted by Jesus Christ himself to his ministers. The case is unfairly stated. The hierarchy which subjects the priesthood to the controul of the bishops, was not established by the church. She received it from Christ himself, and it is her duty to maintain it. The subordination of the clergy is not an ecclesiastical law revocable at will; it is of divine institution and pre-eminent to all authority. This proposition is of faith*. As long as this hierarchy subsists, it will be necessary *jure divino* that the priestly functions and mission should be dependent on the higher order of clergy, as in this dependence alone the spiritual hierarchy of the church consists.

This subordination and dependence is not restricted to the priests alone, but reaches the higher orders of the clergy. There existed in the ancient church a dignified class of men known by the name of Chorepiscopi. They

* Si quis dixerit in ecclesia catholica non esse hierarchiam divina ordinatione institutam, quæ constat ex episcopis, presbyteris & ministris, anathema sit, Trid. 23. can. 6,

had received the episcopal character, but could exercise no jurisdiction but what was granted by the bishop of the diocese. In towns and villages they acted only as curates or pastors of the inferior order*. The council of Antioch permits them to give the minor orders, but forbids them, under pain of deposition, to ordain priests or deacons without authority from the bishop†.

But let us come to a case still more in point. A bishop is driven from his diocese he flies for protection to a neighbouring bishopric, he is cordially received and admitted as a member. What will be the consequence? Can he exercise his functions without a license from the diocesan? No. But he is unanimously elected by the people bishop of another diocese, and a formal process confirms the election; will this alter the case? No, if

* Qui in villis & vicis constituti sunt chor-episcopi, tametsi manus impositionem ab episcopo susceperunt, & ut episcopi sunt consecrati, tamen placuit sanctæ synodo eos oportere modum proprium retinere.

† Non autem presbyterum non diaconum audeant ordinare præter conscientiam episcopi civitatis, vel ecclesiæ cui adjacens invenitur, seu ipse seu regio in qua præesse dignoscitur. Quod si quis prævaricari ausus fuerit, deponi eum esse debere. 1 Antioch. can 10.

What

such election and confirmation are not approved by the church*.

What I have hitherto said may seem applicable only to individuals of the clerical order. I am now to shew you that collective bodies met with the same treatment. In every age of the church the bishop was attended by a numerous clergy. They followed him to the altar, they sang the praises of God with him, they formed his council, but here their functions ceased. Did they wish to preach the word of God in the presence of the bishop? St. Augustin was the first that obtained this permission to the astonishment of the African churches. Cease then to appeal to antiquity for a sanction to the pretended union of character and jurisdiction.

There were in our country, there were in all catholic countries magnificent churches in towns and villages, unconnected with the parishes, whose numerous body of priests celebrated the divine mysteries, but never attempted an act of jurisdiction in virtue of their character.

* Si quis vacans episcopus in vacantem ecclesiam irrumpens sedem arripuerit absque perfecta synodo, is sit ejectus etiamsi omnis populus quem invasit, eum elegerit.
 † Antioch, can. 16, Chalced, Sess. 11.

I come

I come now to canonical confirmation without which no man was ever considered as a pastor of the church. The constitutional writers have said so much on this subject, that little remains for me to add to their laborious investigation. They have told us that canonical confirmation has varied; they have recalled our attention to the practice of the primitive church. All this we knew before. In those days the confirmation of bishops elect belonged to the metropolitans, the patriarchs, the councils, or to the senior bishop of the province. We never contended that this prerogative was always annexed to the papacy. Our argument is wholly independent on this circumstance, and is conclusive against your favourite position, that ordination alone gives jurisdiction. For thus we reason. If this were really the case, why was confirmation ever, why was it always thought necessary to the bishop elect; and why did he never claim, never obtain any spiritual jurisdiction till he had received his confirmation from him or them who were appointed to grant it? I am ready to allow, that election and confirmation were frequently united as coming from the same quarter, but I insist on the necessity of confirmation, and I am supported in my assertion

sertion by an authority to which you can have no solid objection*. We are not here enquiring, by what methods, or through whose hands, the church has granted confirmation, we wish to convince you, that besides character and election, it has in all ages been necessary to receive confirmation, and that the want of it has set election aside†.

The jurisdiction which election, ordination and character cannot give without confirmation, is given by confirmation alone. The moment the bishop-elect is confirmed, and before he is consecrated, he validly exercises all the functions annexed to the episcopal jurisdiction. This has ever been the belief and the practice of the church.

To remove every doubt concerning a matter so decisive, I beg leave to refer you to the history of our own country. You will there meet with the famous controversy long agitated

* Si absque electione metropoli, cleri consensu, vel civium fuerit in ecclesia intromissus, ordinatio ipsius secundum statuta patrum irrita habeatur. 5 Conc. Paris, can. 35.

† Confirmationem electionis petere non omittat. Quod si justo impedimento cessante intra trimestre tempus omiserit, electio ipso jure evacuatur. Conc. 2, Lugd. Greg. 10, de elec. in 6, c. 5 & 6.

between the popes and our kings, when no bulls were issued, no confirmation given to our bishops; what was the conduct of the Gallican church at so critical a juncture? The king continued to name to the vacant sees, and they were often filled by prelates drawn from other dioceses. They repaired to their residence; they were put into possession of their temporalities; but they had no bulls, no confirmation; jurisdiction had devolved on the chapter by the vacancy of the see. To this chapter they became grand vicars. Here was a concurrence of extraordinary circumstances. The members of the chapter had not received the episcopal character, and the bishops, without a mission from them, could exercise no spiritual jurisdiction*. The curates, without the approbation of the bishops, were exactly in the same predicament. Without canonical institution they enjoyed the temporal emoluments of their livings, but if they presumed to exercise their pastoral functions, the church alarmed for the salvation of their flocks, soon repressed the attempt. All this happened at a time when the Gallican church possessed many prelates distinguished by their virtues and their talents. Unawed by the frowns of their

* See the works of Arnaud, tom. 37, page 682.

sovereign, and unfettered with prejudices in favour of the court of Rome, they drew a middle line, and the wisdom of their conduct should convince posterity, that they had no faith in the union of character and jurisdiction†.

The faith of the Gallican church was that of all other churches. The power of suspension and excommunication, and a long list of other censures, has always been claimed, and often exercised, by the church without reclamation. They do not affect the sacred character of the bishop or the priest, but they mortify, they limit, they annul their jurisdiction. By the sentence of excommunication, not only all authority, but all communication ceases between the pastor and the flock.

Schismatical and heretical priests, an Arius, a Pelagius, a Luther, when severed from the body of the church, did not forfeit their character; but you will not be absurd enough, or wicked enough to say, that they preserved all the authority of her catholic ministers. You will not thus attempt to palliate usurpation and intrusion. But I must not omit to remark, that in your system these are chime-

† See Discourse on the powers of those who are appointed to benefices by the king.

rical ideas, unmeaning sounds. For if every priest has, with his character, received a commission to feed every flock, where is the intrusion? If he has the jurisdiction of a true pastor, where is the usurpation? There can be no schism, if the church is obliged to acknowledge every priest without exception to be the pastor of Christ, the envoy of Jesus Christ, and enjoying all the jurisdiction, competence and authority granted by Jesus Christ. Why then was the church alarmed at the defection of Fortunatus, of Novatus and Donatus? Why did she issue her anathemas against Audius, the Eusebiens, the Eustathiens, the Luciferians, Dioscores, Arsaces and Photius? Why do we weep over the fatal division that still prevails between the eastern and western churches?

What a pity it is, that men should be driven to the wretched shift of involving the plainest truths in obscurity, and thus perplexing the minds of the timid and deluding the ignorant! And yet to speak impartially, what other course could the infatuated disciples of the apostate of Autun hold? They had embarked in the same war with Luther, and they employed the same weapons. He had boldly attributed all jurisdiction, authority and compe-

tence to ordination, and they drew theirs from no other source. To men thus disposed, men whom the church had not sent, men whom she refused to receive, it was vain to represent the maxims of venerable antiquity, or the discipline of more modern times? Engaged in the same cause with him, you have adduced the same arguments. Like him you have advanced with effrontery and maintained with obstinacy a system of spiritual democracy, which cannot be reconciled to the doctrine of the church. Like him you have incurred the guilt of heresy. This may appear a heavy charge. I am now to shew that it is not ill-founded.

THIRD PROPOSITION.

There is nothing in the doctrinal decisions of the church, which does not strongly militate against the pretended union of ordination and jurisdiction.

I challenged the doctors of the new church to shew us a single law or usage in the whole history of the church which would afford a proof of the pretended union of ordination and jurisdiction. They have not thought proper to answer it. But I am convinced, they

they would have prevented the requisition, if their elaborate researches had furnished them with a single instance that could support their assertion. I do not expect more satisfaction from the present challenge. I call upon them to produce any one decision of the church, any one rescript of the popes, any one canon of a Catholic Council, either general or provincial, or any other authority whatever, from which we may, either directly or indirectly, infer the inseparable union of character and jurisdiction. I have long waited for an answer, and I believe I may long wait in vain. Let us see if from the same sources of information we can draw nothing to justify our assertion.

I will begin with the fourth council of Lateran. This was a general council, and composed of members as numerous as they were respectable. Four hundred and twelve bishops, seventy-one primates or metropolitans from all parts of the christian world, eight hundred abbots, priors, doctors and proctors assembled. The decisions of this council are universally received as articles of faith. Let us turn to the twenty-first canon. It enacts, that all the faithful shall confess at least once a year to their proper pastor; but if, for particular reasons,

sons, any one should chuse to make use of another priest, it then orders him to petition and obtain permission from his proper pastor, because without it no priest can absolve him from his sins*.

From this text of the council the inference is obvious. There is a priest who is my proper pastor, who is authorised to teach, and to whose advice I am bound to hearken; and there are other priests invested with the same character, who have no power, no authority, no jurisdiction over me. It is of faith, that no priest, who is not my pastor, or who has not permission from my pastor; can absolve or retain my sins; it is of faith, that the priestly character can exist without jurisdiction; therefore jurisdiction is not essentially annexed to character and ordination. What now becomes of your favourite system?

If you plead a distinction between doctrinal decisions and regulations of discipline, I am ready to admit it; but I find them both involved in this canon of the council of Lateran. Discipline directs your conduct, it tells

* Si quis autem alieno sacerdoti voluerit justa de causa, sua confiteri peccata, licentiam prius postulet & obtineat a proprio sacerdote, cum alter ipsum non possit solvere vel ligare. Can. 21.

you what you must do, and in what manner must be done. As the manners have varied according to time and circumstances, so has discipline.

The dogm directs your faith, and lays before you the truth which you must believe. Truth is always the same, and therefore the dogm never varies. Let us apply this to the canon before us. Confess your sins once a year to your pastor, or to a priest approved by him. This is what you are to do, it is a point of discipline. He alone can absolve you from your sins. This is the dogm, it is what you are to believe. It is a truth, and can never vary. What was thus pronounced by a general council, has been repeated by provincial synods and national assemblies of the clergy. If the synod of Nicosie forbids all priests not approved by the bishop to hear confessions, it gives the reason assigned by the council of Lateran, because the absolution of such priest would only deceive the faithful*. If the statutes of Avignon enact the same disabling clause, they expressly add that the priest, without approbation, has no jurisdic-

* Ex hoc enim decipi contingit fideles. Concil. Hard. tom 7, col. 1699.

tion,

tion, excepting only in the article of death*. And because some of the inferior clergy had presumed to delegate their jurisdiction to priests not approved by the bishop; yet care was taken to obviate the mischief, and to prevent the invalidity of the sacrament†.

These decisions were not called for by encroachments of an enemy, they were meant as a declaration of the belief of succeeding ages. When Luther and Calvin arose, and erecting the standard of rebellion, attacked the most sacred tenets of the ancient faith, the church met them with her thunders. When Luther withdrew himself from the church of Rome, he resigned to her all her jurisdiction. It now became incumbent on him to prove that it was no longer necessary. He argued, that in the tribunal of penance, the priest could not stand in need of it, because he acted not

* Cum aliter liberam jurisdictionis simul & ordinis, nisi in articulo mortis, non habeat potestatem. Ital Aven. anno 1447.

† Proprius sacerdos non potuit talibus dare jurisdictionem sive potestatem talem (absolvendi) sed episcopus solus potest illis qui sunt in suo episcopatu. non tamen aliis qui sunt in aliis episcopatibus. St. Raymond de Pennafort, de pœnit. tit. 34. Oportet licentiatum esse ab ordinario, scilicet ab ipso episcopo. St. Bonav. in 4 distinc. 19, art 3, quest. 1, in concl.

as judge, but only made a declaration that the penitent's sins were remitted. On the other hand, the council of Trent, composed of bishops and doctors from all parts of the catholic world, begins by declaring, that the functions of the priest in that tribunal were not reduced to a mere ministerial act, to a declaration of the remission of sin, but was really and truly a judicial process, in which the priest acts as judge*. This is the doctrine of the church, and the council proceeds to pronounce sentence on those who shall dare to oppose it. *Si quis dixerit absolutionem sacramentalem sacerdotis non esse actum judicialem—anathema sit. Sess. 14, can. 6.*

Luther treated as an innovation the custom of asking jurisdiction for the exercise of the priestly functions in the tribunal of penance. I wish the gentlemen, who have not been ashamed to renew this imputation, and to subscribe to it upon oath with their theological attorney†, would consider the declara-

* Non est (absolutio) solum nudum ministerium, vel annunciandi evangelium, vel declarandi remissa esse peccata; sed ad instar actus judicialis, quo ab ipso, velut a iudice, sententia pronunciatur. Trid. sess. 14, cap. 6.

† See the exposition de l'opinion de M. Camus soussignée par quelques prêtres députés.

tion of the council on this subject. As no judge can pronounce sentence but on persons amenable to his tribunal, so the church of God has ever believed, and the holy council declares, that this belief is grounded on eternal truth; that the absolution of the priest is null, who has neither ordinary nor delegated jurisdiction*.

Do you believe what always has been, what always will be believed by the church? If you do, you must renounce your favourite tenet, that every priest enjoys jurisdiction over all the faithful. The council here points out many who have it not. It followed from the doctrine of Luther, and it evidently follows from yours, that a priest once ordained possessed unlimited jurisdiction over all sinners and every species of sin; that the church exceeded her powers by reserving the absolution from certain transgressions to particular priests, that it was a political measure adopted by man, but of no effect in the sight of God.

* Quoniam igitur natura & ratio judicii illud expofcit, ut sententia in subditos dumtaxat feratur; persuasum semper in ecclesia Dei fuit, & verissimum esse synodus hæc confirmat nullius momenti absolutionem eam esse debere, quam sacerdos in eum profert in quem ordinariam aut subdelegatam non habet jurisdictionem. Id. cap. 7.

Against

Against Luther and against you the holy council has declared, that this reservation is of the greatest importance to bridle the passions of sinful men. *Magnopere ad christiani populi disciplinam pertinere sanctissimis patribus visum est ut atrociora quædam & graviora crimina, non a quibusvis, sed a summis dumtaxat sacerdotibus absolverentur, Ibid.* Again the church declares to Luther and to you, that this reservation is not a measure of external polity, but sanctioned by divine institution*. The intent and meaning of this decree one would think could not be mistaken, but the council goes on, and cuts off from her communion all who shall presume to maintain that it is a truth of discipline only, not at all affecting the validity of the sacrament†.

It is impossible to proscribe in plainer terms the pretended union of ordination and jurisdiction. The character is allowed to be inherent in every priest, but one only can absolve from the reserved case, he who issued the

* Hanc autem delictorum reservationem consonum esse divinæ auctoritati, non tantum in externâ politia valere, sed etiam coram Deo vim habere. Ibid.

† Si quis dixerit episcopos non habere jus reservandi sibi casus, nisi quoad externam politiam, atque adeo casuum reservationem non prohiberé, quominus sacerdos a reservatis vere absolvat, anathema sit. Id. can. 11.

censure, or his superior*. Either renounce an opinion so adverse to the doctrine of the church, or assume not the name of catholic.

The reader may recollect, that in stating the grounds of the present controversy, we distinguished the power of character from the authority of jurisdiction. By the former the priest differs essentially from the laity, and is put into the hands of the church as capable and fit to be employed in the sacred functions. The latter is not acquired by ordination, but is founded on a mission a special appointment of the church, specifying the functions which he is authorised to perform. We observe, that

* It were to be wished, that some curates would attend to these words; *Jus reservandi sibi*. How can they pretend an exemption from this reservation, if the bishop reserves to himself *sibi*. Some of the parochial clergy have experienced many difficulties and much uneasiness. A little more docility to the mandates of authority and the weight of evidence would have saved them much disquietude. How cruel was it in a curate to risk the salvation of his penitents on a pretended privilege, which at best is doubtful, while he sins by acting as if it were certain? However the claim founded or unfounded does not affect the matter now in debate. If there be a single priest who cannot absolve from cases reserved to the bishop, it is evident that jurisdiction is not attached to ordination.

from

from the nature of these two powers, it was easy to conclude, that one might exist in the priest, though he had not yet received the other. I am now to shew you, that this distinction is established beyond the reach of cavil, by a dogmatical decision of the church. I will give you the words in which the same council of Trent expresses it. " Though priests at
 " their ordination receive the power of remit-
 " ting sins, the holy council decides, that no
 " priest, even among the regulars, can hear
 " the confessions of secular persons, even of
 " priests, or ought to be accounted proper for
 " this function, unless he has obtained a bene-
 " fice with cure of souls, or at least unless the
 " bishop, after an examination, if he thinks this
 " proper, or in some other method judges him
 " fit for these functions, has given his approba-
 " tion, which must be gratuitous, and this all
 " privilege and every custom even immemo-
 " rial notwithstanding*."

The

* Quamvis presbyteri in sua ordinatione a peccatis absolvendi potestatem accipiant, decernit tamen sancta synodus, nullum etiam regularem, posse confessiones secularium, etiam sacerdotum, audire, nec ad id idoneum reputari, nisi aut parochiale beneficium, aut ab episcopis per examen, si illis videbitur esse necessarium, aut alias idoneus

The necessity of episcopal approbation thus forcibly pressed upon the minds of the constitutional clergy, could not be unconditionally rejected. They see that the church has at all times maintained it, and made it the rule of practice. But here again they have recourse to the old stratagem; they confound what they cannot elude, and try to puzzle where they cannot hope to convince. This approbation, they tell us, instead of conferring jurisdiction, is a mere declaration of the idonity, the aptitude, the fitness of the priest to exercise the sacred functions of the ministry. Let us examine the solidity of this arrangement. This idonity, this aptitude, prior to the declaration of which it is the object, was incomplete, without energy, and without effect. Every priest, at his ordination, received a radical power to remit sins, but this power could not develope itself, could not be called into action, but by an authority marking out a particular church he is to serve, a particular flock he is to govern. Complete in personal character, it is incomplete as to the authority without which the church declares that he is

idoneus judicetur, & approbationem quæ gratis detur, obtineat; privilegiis, & consuetudine quacumque, etiam immemorabili, non obstantibus.

not

not a competent judge in the tribunal of penance, that his absolution is null and void. *Nullius momenti absolutionem eam esse debere.*

But I shall be told, that the council of Trent has not been received in France as to matters of discipline, and therefore its decisions, whatever they may be, cannot affect the clergy of that country. And is this only a question of discipline? It is evidently a point of doctrine on which the discipline is founded. forbids the exercise of jurisdiction, and tells you, what the church always believed, and what she still believes on the subject. It then commands you, under pain of excommunication, to admit the necessity of a proper mission or approbation for the validity of these functions.

I wish these gentlemen, while they are magnifying difficulties and accumulating proofs against us, would be a little more consistent with themselves. When they were endeavouring to establish the indivisibility of character and jurisdiction, they represented it as a dogmatical point of the first magnitude, against which no laws of discipline could form a prescription. But when we object, that this pretended indivisibility is reprobated, censured

red and condemned by the council of Trent, they rank it among the articles of mere discipline which are not received in France. If I should impute this glaring contradiction to ignorance, I should pay a bad compliment to their understandings, and to suspect their honesty would wound their pride. And yet to ignorance or to dishonesty, or to both, must be attributed so mean a subterfuge. They have not been ashamed to refer to one of our late kings, to Lewis XIV. the law which annuls every attempt of a priest to bind or unbind, without a mission from the bishop. We have shewn you, that this law was in force from the earliest ages, and this dogm was every where believed in all countries, but especially in France, and may be found in our statutes and councils many centuries before that monarch saw the light. When we produce this law and this dogm in the council of Trent, the decisions of which no catholic can refuse to admit, they have either been ignorant enough or dishonest enough to tell us, that they have not been received by the Gallican church. I think it my duty to vindicate our church from the foul aspersions of heresy, and the envenomed shafts of calumny.

I beg

I beg leave to lay before you the council of Sens, a council which reflected great honour on the Gallican church, and was the first that condemned the errors of Luther and Calvin. I wish you to observe, with what zeal and earnestness it instructs and warns "the faithful, " that no priest can pretend to be authorised to " preach the word of God, without a mission " from the bishop or his agents*." Having distinctly marked the dogma concerning the nullity of absolution given by a priest not approved, it proceeds to establish the discipline upon it. " To prevent the eternal perdition " of souls, say the fathers of this council, we " would have it known to all and to every one, " that among the religious of the mendicant " orders, *they alone* have the power to absolve, " who being by their superiors presented to " the bishops, have been by them appointed to " hear confessions†." Having stated the na-

* Nisi ab ipsis suffraganeis, eorumve vicariis approbati, & ad hoc nominatim missi extiterint. Quomodo enim secundum apostolum prædicabunt, nisi mittantur?

† Nos præterea cupientes animarum periculis, quantum cum Deo possumus, consulere, volumus omnes & singulos intelligere, quod illi soli mendicantes habent potestatem absolvendi qui—Suffraganeis nostris per præfatos mendicantium prælatos præsentati, qui ab iisdem episcopis ad audiendas confessiones sint commissi.

M

ture,

ture, the council proceeds to fix the extent of this spiritual jurisdiction. That granted to these religious priests shall have the same limitation with the power exercised by curates and vicars, that is, it shall not be construed to extend to absolution from reserved cases. Finally, to preclude the possibility of a misconception or a misapplication of the doctrine, here delivered, the council declares in express terms, that it is duly incumbent on all the faithful to inform themselves, whether the priests, to whom they confess their sins, be of the number of those who are approved and sent by the bishop, because otherwise their absolution is null*.

Thus spoke the Gallican church a few years before the meeting of the council of Trent. After this council she spoke a language not less energetic. The council of Rheims, in 1564, not only forbids you to exercise any act of jurisdiction without the approbation of the bishop, but if you presume to officiate in any church but that to which you was appoint-

* Videant prius si sint de nominatorum & approbatorum numero, alias se non fore absolutos intelligant. Concil. Senon. anno 1528, Dec.

ed, it will not suffer you to perform any of the priestly functions*.

Look into the council of Rouen held in 1581. It defines, that no curate shall take possession of a parish, without having obtained a mission from the bishop of the diocese by canonical institution; that in default of this mission their power of remitting and retaining sin is null and of no effect; that they may deceive the penitent, but cannot absolve him†. And to preclude the modern plea, that the council of Trent has not been received in France, it not only maintains the same doctrine, but uses the same expressions which that council had adopted on the subject of jurisdiction, of reserved cases and dispensations. Id. No. 36, 37.

Another council of Rheims, treating the same subject with the council of Trent, forbids you to apply to any priest but your own pas-

* Quod si locum nobis inconsultis deferuerit, ei sacrorum ordinum exercitium interdicatur. Stat. 1.

† Deinde potestas exposcitur quæ per institutionem committitur. Nam nisi curati ligandi atque solvendi potestate a prælatis legitime accepta fuerint præditi, decipiunt populum, nec absolvunt a peccatis. Cáp. de cur, & alior. presbyt. offic. No. 1,

tor, or another properly approved, and assigns this cogent reason; because even your pastor could not otherwise remit or retain your sin*.

The sense of the Gallican church may be gathered from the council of Bordeaux convened in 1583. Here you will find a long quotation from the council of Trent, and a formal adhesion to its doctrine. It enacts that no priest shall hear confessions, who has not been approved, or who has not a benefice with cure of souls. It goes farther still, and pronounces sentence of excommunication even against curates who shall attempt to absolve from sins reserved to the Pope or the bishop, declaring that absolution to be void and null†.

* Cum aliter ipse illum non possit abovere, vel ligare. Cap. de pœnit, No. 5.

† Nos huic occurrere malo cupientes, præsentì decreto, omnibus parochis, & aliis sacerdotibus confessionibus audiendis præfectis, sub excommunicationis pœna prohibemus deinceps a peccatis et criminibus atrocioribus, quorum cognitionem et absolutionem sibi summus pontifex, aut episcopus in suis synodalibus constitutionibus, reservarunt, quemquam absolvere.—Declarantes absolutionem in prædictis criminibus absque certa et præcipua sanctissimi domini nostri papæ, vel propriorum episcoporum concessione, per parochos et alios sacerdotes præterquam in mortis articulo datam, viribus penitus carere et nullam esse, Cap. de pœnit, 12.

The

The malignant efforts of our antagonists to affix a mark of heterodoxy on our national church, and the obstinacy with which they persevere to wound her honour, must be my apology for accumulating proofs from her councils of the integrity of her faith, and her firm adhesion to the decisions of the fathers assembled at Trent. The council of Bourges in 1584, declares, that in conformity with the decisions of the council of Trent, notwithstanding the ordination of priests, it acknowledges no jurisdiction but in him who has a benefice with cure of souls, or has been approved by the bishop. In the fifth canon it repeats the expression of the fourth council of Lateran, and in the sixth copies the text of the council of Lateran which we have quoted above.

In the council of Aix, in 1585, this same Gallican church pronounces sentence of excommunication against those who shall attempt to exercise jurisdiction in the tribunal of penance, without the approbation of the bishop; this excommunication to be incurred *ipso facto**.

* Excommunicationis pœnam sacerdotes sine approbationis facultate ab episcopo in scriptis data, quæ tamen gratis concedatur, pœnitentiæ sacramentum ministrantes, ipso facto subire decernimus et declaramus. Cap. quæ ad pœnit. sacr. pertinet.

The council of Toulouse, anno 1590, expressly commands, that all the regulations enacted by the council of Trent be fully and exactly observed in regard to the examination, approbation, collation, &c. as well in cathedrals as in parishes, and all other churches and chapels having cure of souls*.

The Gallican prelates assembled at Narbonne in 1609 has denounced the sentence of excommunication against any priest who shall attempt to administer the sacrament of penance, without the approbation of the bishop. Here again the dogma is assigned as the grounds of discipline†.

Let now Mr. Camus and the other modern pseudo-evangelists of the civil constitution of

* Quibus in capellaniis, cæterisque beneficiis ecclesiasticis quocumque nomine nuncupatis, & vero in ipsis etiam cathedralis, vel collegiatæ ecclesiæ portionibus, & instituto, consuetudine, aut alio quovis jure animarum munus incumbit, aut conjunctum est, in earum aut collatione, aut quavis alia provisionis ratione, quas examinis approbationis, collationis, provisionis, in ecclesiis parochialibus cautiones sacra Tridentina synodus adhiberi jussit, eas omnes teneantur omnino que servantur. Cap. 6, de provis, etc.

† Sine qua (facultate episcopi) nemini omnino liceat audire confessiones, sub pœna excommunicationis ipso facto incurrendæ; cum alias non sit absolvere, sed confitentem decipere. Cap. 16, de sacr. pœnit.

the

the clergy insist, that the dispositions of the council of Trent have not been received in France.—Let them continue to boast the ingenious discovery of the origin of the laws on jurisdiction in an edict of Lewis XIV. Their progress in the study of the canon law will do them little honour, and their ignorance of the history of the church, of its doctrine and its discipline can excite no other sentiment but that of a well grounded contempt. I can smile at the silly ambition of legislators who have not been ashamed to countenance and support the idle dreams of these sophists by civil executions; but my bosom heaves with emotions of the sincerest pity for my unhappy countrymen who have been deluded into their practical lessons.

But I will suppose, for argument's sake, that the Gallican church never acceded by any solemn act to the decisions of the council of Trent. Still there is another authority ready to overthrow your opinion on the identity, the indivisibility of jurisdiction and ordination. You are not unacquainted with the weight universally allowed to the solemn decisions emanating from the supreme head of the church, and received without reclamation by the community of the faithful. To these
 decisions

decisions many of you have in humble submission bowed your heads. You have even solicited these final sentences when they were to crush a set of men whom you was pleased not to like. Now unfortunately for you, this authority, admitted and revered by the Gallican church, affords fresh proofs against your favourite system. You have advanced, that the authority of the statutes and canons of the council of Trent did not oblige a priest in France to apply to the bishop for a licence to exercise jurisdiction in the tribunal of penance. This is no novelty. The same proposition was adopted and published by the divines of certain religious orders in France*. It is condemned at Rome by Alexander VII. as false, rash, scandalous and conducing to heresy and schism†. The Gallican church adhered to papal condemnation of other propositions of the same tendency. I will notice a few of them. “The regulars can, *in foro conscientie*, “make use of their privileges which have

* Concilium Tridentinum non obligat regulares in Gallia ad obtinendas approbationes ab episcopis, ut secularium confessiones audire possint.

† Ut falsa, temeraria, scandalosa, in hæresim & schisma inducens. Vid. theol. err. sive proposit. a summis pontif. damn. Jan. 30, 1659.

“been

“been expressly repealed by the council of
 “Trent*.” “The mendicants can absolve
 “from reserved cases without the permission
 “of the bishop†.”

I have here given a remarkable instance of the unanimity with which the council of Trent, the Pope and the Gallican church have condemned the pretended inseparable union of ordination and jurisdiction. The consequences, which naturally flow from this principle, have been treated with equal rigour. If every priest has a power inherent in his character to absolve from sin, surely the person, who presents himself to the bishop for his approbation, and meets with an unjust refusal, may safely and validly proceed without it. And yet this proposition has been condemned by the supreme head of the catholic church, and by the assembly of the heads of the French clergy‡.

* Regulares possunt in foro conscientiae uti privilegiis suis quæ sunt expresse revocata per concilium Tridentinum. Alex. 7, 36, cler. Gall. 103.

† Mendicantes possunt absolvere a casibus episcopo reservatis, non obtenta ad id facultate episcoporum. Alex. 7, 22, cler. Gall, 101.

‡ Satisfacit præcepto annuæ confessionis qui confitetur regulari, episcopo præsentato, sed ab eo injuste reprobato. Alex. 7, 15, cler Gall, 102.

It will follow from the same principle, that a priest, once declared capable of administering the sacrament of penance in a diocese, will carry with him this aptitude into every other diocese, and will need no other approbation. And yet the Pope and French clergy have condemned this proposition as false and pernicious to the souls of the faithful. *Regulares ordinum mendicantium semel approbati ab uno episcopo ad confessiones excipiendas in una diœcesi, habentur pro approbatis in aliis diœcesibus, neque nova indigent approbatione.* Urban VII, in 1659. *Vi concilii Tridentini, approbatio unius episcopi sufficit pro universa ecclesia; id est, approbatus ab uno episcopo potest ubique absolvere, modo jurisdictionem habeat; & ad eam obtinendam sufficit, vi concilii Tridentini, unius episcopi approbatio.* Assemblée du clerge de France, an. 1700, propof. 107*.

As

* You will observe, that most of these propositions had been advanced by regulars. They pleaded privileges, exemptions and immunities which the secular clergy never claimed. But they never pleaded the union of ordination and jurisdiction. These privileges were abolished by the council of Trent. It had decreed, that no priest whatever, or of whatever religious order, should be entitled to hear confessions, even of priests, unless he possessed a benefice having cure of souls, or had obtained the approbation of the bishop, and this “any privilege or custom, even immemorial.

As the consequences of your system arise to view, the ecclesiastical censures follow in swift succession. According to your doctrine the parish priest at least may safely chuse his own confessor without any approbation from the bishop. But here again the church of Rome and the church of France interfere and proscribe the tenet*. And here I cannot but recommend to the clergy doing duty in the parishes a caution highly deserving their notice. If the church will not suffer them to chuse priests not approved by the bishop, how much less can a decree of a lay convention authorise them to appoint such priest to hear the confessions of their parishioners?

The same fate has attended another consequence of your system. You have advanced that approbation once obtained can never be

“morial, notwithstanding.” The regulars were unwilling to resign privileges which they had obtained by important services. If the condemnation of these propositions affected men so circumstanced, what must become of those who had no privileges to plead? But they are condemned in general terms, and must equally affect priests of all descriptions.

* Qui beneficium curatum habent, possunt sibi eligere in confessarium simplicem sacerdotem non approbatum ab ordinario. Alex. VII. prop. 16. Assemblée du Clergé, prop. 100.

repealed. The church has declared, that it is a dangerous and erroneous proposition*.

In your system these propositions are true. Ever since the council of Trent, approbation can neither be limited nor repealed; it would be nugatory to refuse it to any priest; absolution would be valid without it. But far from admitting them, Rome and the French clergy have declared them to be false, arbitrary, scandalous and erroneoust†.

Without troubling my readers with any more authorities for establishing these clear propositions, that the power of jurisdiction in the dignified and the inferior clergy is derived from the church, and can be exercised only by the church or her appointment, I shall conclude this subject by shewing, that the principles and the consequences of my constitutional antagonists are equally indefensible. They

* In ministro pœnitentiæ requiritur etiam approbatio ordinarii quæ potest limitari, sed non revocari sine causa. *Assemblée* in 1770, prop. 105.

† Ubi concilium Tridentinum est receptum, non possunt episcopi restringere, vel limitare approbationes, quas regularibus concedunt, neque illas ulla ex causa revocare. Quin imo ordinum mendicantium religiosi ad eas approbationes obtinendas non tenentur; & si ab episcopis religiosi non probentur, rejectio illa valet tantum ac si approbatio concessa fuisset. 2 Cl. Gal. 104.

can no longer urge the silence of the catholic church, nor the non-acceptance of the French clergy.

I must now follow them to their last entrenchment. Jealous for the honour of the cause they had espoused, they could not bear the imputation of schism and heresy applied to it. They were desirous to point out a difference between their system and the doctrine of Luther, on which had fallen the heaviest censures of the church. A Mr. le Cos has undertaken in his own name, and on the behalf of the constitutional clergy, to explain to us the real sentiments of the party; and he tells us that it is true they ascertain, that ordination and jurisdiction are indivisibly united, but that jurisdiction is inert and dormant till called into action by another power. I shall leave to others the enquiry into the nature of this inactive principle. I only wish to know what power is to call it forth and give it energy. You dare not assign the spiritual power, and therefore must necessarily recur to that of the state.—You bring with you the original inherent jurisdiction, and you receive a mission, an appointment to a particular flock of Christ. The idea is new; the heresy is disguised, but the substance is not altered. You receive
from

from the secular power an authority to exercise your spiritual functions in such places and in such extent as that power assigned.

I do not enquire, on the authority of what counsel, on what text of scripture, on what testimony of the fathers you ground so extraordinary a mission. But are you aware, that here again you are treading in the footsteps of other reformers? Do you reflect that Luther had recourse to the Elector of Saxony, to the magistrate, and to the people, to authorise his disciples to preach the new doctrine, and to discharge the duties of the spiritual ministry? Can you forget that the church has passed sentence of excommunication against all such as shall maintain the same error? Hear the council of Trent. "If any person shall maintain
"and affirm, that those, who being neither
"properly ordained, nor sent by the ecclesiastical and canonical authority, come in any
"other way, are the lawful ministers of the
"word of God and the sacraments, be he anathema*."

* Si quis dixerit—eos qui nec ab ecclesiastica & canonica potestate rite ordinati, nec missi sunt, aliunde veniunt, legitimos esse verbi & sacramentorum ministros; anathema sit. Trid. sess. 23. can. 7.

After

After this I do not see what poor Gobel the constitutional pastor can alledge in extenuation of his guilt, or mitigation of the sentence. It is not certain, he tells us in his pastoral letter, that the excommunication reaches him, who, being properly ordained, should receive his mission from the secular authority; it is not certain that it is incurred, unless the ordination be invalid and the mission null. And is this the only comfort left to him and his associates in episcopal intrusion? It is not certain! And does this idea set their consciences at rest? Can any solid consolation be drawn from an uncertainty of the evil? It is not certain that you are excommunicated, and you continue to preach, to say mass, to absolve sinners. And you act under a doubt which renders every function sacrilegious. It is not certain that you are the thief, the murderer described in the gospel, and you continue to fill the see from which you have driven the rightful possessor! And these are the men chosen to revive among us the purity and simplicity of ancient manners!

It is not quite certain!—I am compelled by inclination and duty to dispel this fatal delusion, to tear away this veil, which can only screen the man who doubts, because he will
not

not know, the man who is blind, only because he will not see. The council I have so often quoted has declared, that all those who have received no other mission or institution but from the magistrate, the people, or the secular power, are not legitimate ministers, are thieves and robbers, and must be considered as such*. Is there here any ambiguity, any room for doubt? Is there any exception in favour of priests ordained or bishops consecrated? They are all thieves, and robbers, and murderers, who have no mission but from the secular power. I should be glad to know what other mission is pleaded by le Coz, Gregoire and Gobel. They talk of a jurisdiction inherent in their character, but they allow this jurisdiction to have been insufficient, till developed and called into action by the secular arm. They are then of the number of *all those* who have no other mission but from the powers of this world. You will appeal in vain to ancient records for a precept. History will

* Quin potius decernit eos qui tantum modo a populo aut seculari potestate ac magistratu vocati & instituti, ad hæc ministeria exercenda ascendunt, & qui ea propria auctoritate sibi assumunt, eos omnes non ecclesiæ ministros, sed fures et latrones per ostium non ingressos habendos esse. Trid. sess. 23, cap. 4.

inform you, that in distant ages when changes were made in the several dioceses, princes arrogated to themselves the power of changing the mission and the flocks of the different pastors. But the councils were not silent upon the occasion. It was decreed by the supreme authority of the church, that it appertained to the bishops alone to pronounce on these changes, divisions and alterations, either with or without the consent of the people*.

No power on earth can supply the want of episcopal jurisdiction in the ministers of the gospel. This is a principle which extends to all, and which cannot be disavowed or opposed without incurring the guilt of heresy and schism. No privilege, no exemptions can be pleaded in bar of this law. The religious mendicant orders and the secular clergy are all equally concluded by it†.

It

* Item placuit ut quicumque episcopi, quascumque ecclesias, vel plebes, quas ad suam cathedram estimant pertinere, non ita repetierint, ut causas suas episcopis judicantibus agant, sed alio remittente irruerint, five volentibus, five nolentibus plebibus. Concil. African. cap. 87, cod, can, eccles, Afric. c. 120.

† Regulares mendicantes petere possunt licite a iudicibus secularibus ut injungant episcopis quatenus ipsis mandata concedant ad prædicandum in adventu et quadagesima.

It is then certain, that whether the jurisdiction, which you annex to ordination, be in a state of activity, or waits some external impulse to awaken its energy, that to give validity to its operations, nothing will avail but the approbation of the spiritual authority. This is a general conclusion arising out of what has been offered on this important subject. I come now to some particular difficulties, which are adduced to puzzle and confound what they cannot invalidate.

Can they be serious, when in the Pope himself they pretend to have discovered a jurisdiction, and a supreme jurisdiction inherent in his ordination. How else, they ask, should he have it? From whom does he receive it? But while they thus attempt to weaken our cause they totally overthrow their own. For in what does the papal dignity consist? In the sacred character imprinted by ordination, and in the jurisdiction inherent in that character. In your system ordination and jurisdiction come together. Therefore he was no sooner ordained than invested with the fulness of pa-

dragesima. Quod si renuant episcopi, decretum judicium sæcularium tantumdem valet ac si permissio dictis religiosis concessa fuisset. Propositio damnata ab Alexandro septimo ut falsa, erronea, in hæresim et schisma inducens 6.

pal authority. He was Pope before he took possession of Peter's chair. Therefore Lindel, Gregoire, Gouttes, Fauchet, Massieu and Dumouschel are as much popes as Pius VI. Consequences so absurd can never flow from a principle founded in truth.

As they seem to expect a serious answer to a difficulty which in their system cannot be resolved, I will proceed to shew how our principles apply to the case. I have remarked in the course of this discussion, that spiritual rights and spiritual powers cannot be derived from a temporal authority. Ecclesiastical jurisdiction must come from the church. This is the source ever fixed and invariable, but the current of the stream, and the channels through which it has at different times and in different instances been conveyed, have not been always the same. Jurisdiction or mission has been given by provincial councils and by metropolitans. It is now given to our bishops by the Pope, and to the Pope by the college of Cardinals, who elect him, and who form the Chapter on which devolves jurisdiction during the vacancy of the see. The right of election, of collation, of canonical institution are here united in the same persons. They chuse, they confirm, they install him bishop of Rome, and

as bishop of Rome he succeeds to all the authority of St. Peter over other churches. The same thing happens to the bishop in the choice of a curate. As he alone can grant him confirmation, it cannot be supposed that he chuses him only to refuse what he alone can give, and what is necessary for the exercise of the functions to which he is appointed.

But when a metropolitan is appointed by the king, whence does he derive his jurisdiction? This is another question which those gentlemen put, involving a difficulty which to them appears decisive against us, because in their system it cannot be explained. I answer that it does not come from ordination and character, because they existed long before he was named to this new dignity, and he would have enjoyed all the rights, all the powers of it, before he was a metropolitan. This is not all. If to ordination and character is attached the jurisdiction of the metropolitan, all other bishops enjoy it with him, they are all metropolitans. They have all been ordained, they have all received the sacred character, and with it all the rights, all the powers and jurisdiction annexed to it. Here we have so many appointed to command, that none are left to obey.

Nor

Nor can the metropolitan's jurisdiction come from the king. Theologists of every school are agreed, that in virtue of ordination alone, or of the institution of Jesus Christ, all the apostles and all the bishops their successors, if we except St. Peter, are on a perfect equality. As far as this institution goes, there is no superiority, no respective jurisdiction, no metropolitan, no patriarch, no primate. Peter alone received from the Son of God the right and the power to feed the sheep as well as the lambs, to command the shepherds as well as the flock. Hence Peter and his successors the popes are by divine right the immediate superiors of all the bishops, and exercise over them a real jurisdiction, *jure divino*. No lay prince upon earth can confer a superiority, a spiritual jurisdiction in the ecclesiastical hierarchy which has not been established by Jesus Christ. He said not to them; "As I was sent by my father, so I send you; the power that my father gave me I intrust to you, whose sins you forgive they are forgiven." It is as absurd as it is impious and heretical to maintain, that a temporal power can create a spiritual authority. The question here is not about regulations, limitations and restrictions. The spiritual power, the jurisdiction of a metropolitan,

metropolitan, a patriarch or a primate which did not exist before, is to be created. It is as absurd as it is heretical to ascribe to Cæsar the establishment of the hierarchy of metropolitans and primates, as to allow him to erect any one metropolitan see where it did not exist.

The commission which Jesus Christ did not give to the temporal powers he gave to his apostles, and especially to Peter. Therefore the apostles alone in council can exercise the authority they have received from Jesus Christ to erect and establish the hierarchy of primates, patriarchs and metropolitans. They can, because all spiritual power has been delegated to them. They alone can, because this authority, not having been given by any other power, no king or potentate can delegate any part of it to his agents, or make any use of it whatever.

I now come to the fact on which these gentlemen ground this captious argument. They seem to me to have advanced it, not on the faith of history, but on the spur of the present occasion. They did not reflect, that in establishing a metropolitan see, it was not only necessary to limit a spiritual jurisdiction, which far exceeds the power of temporal princes, but to create a jurisdiction, a superiority over other

ther bishops which ordination had not given, and which can only be received from the Pope or council.

But if it be admitted, that the history of our own, or any other catholic country, furnishes an instance of a prince naming a bishop to a see, appointing a metropolitan over the province, still our argument remains in full force. For either the church, by the Pope, or by her councils, concurred in the measure, or she did not. If she did not, the metropolitan so appointed could not exercise any act of spiritual jurisdiction, and the appointment is void and null. If the church did concur by approbation or consent, then it is not the secular prince, it is the church, it is Peter or the council that appoints the metropolitans, and invests him with powers which can be derived from no other source.

What we have said of the metropolitan will apply, with equal force, to the bishop named by the prince to a new see. For here again, either the new bishop derives his mission and jurisdiction from his ordination, or from another power. If from the former, then all other bishops so ordained will have the same mission and jurisdiction, and consequently they will have an equal right to the same see.

Can

Can such absurdities make a part of the ecclesiastical code received from Jesus Christ.

Again, in this supposition, the new bishopric existed before it was created by the prince; since there existed a minister having a mission and episcopal jurisdiction over it.

From this same supposition it will follow, that neither church nor state erects a new bishopric. The bishop himself, carrying every where about him his mission, establishes his see by his presence alone. His jurisdiction follows him, and he every where finds subjects and diocesans bound to hear his voice and obey his mandates. I am ashamed to dwell so long on the absurdities which flow naturally from this first supposition.

If you say, that the creation of the new tie gives the bishop an authority or a mission which he had not before, be careful not to attribute it to the prince or the people; for this would lead to heresy, impiety and absurdity. The church is independent, as to its authority and jurisdiction over the powers of the earth. Will you allow the prince and the people to limit this mission? This is another absurdity. How can he have a power to fix, to limit a spiritual jurisdiction, who has no spiritual jurisdiction in himself, and therefore can give none?

none? The prince, the magistrate and the people are subject to the bishop and the priest, are amenable to their tribunal in virtue of the priestly and the episcopal ordination, they are essentially bound to obey their authority; and yet these are the very persons who fix or circumscribe this authority, and even extinguish it by their edicts! Every priest and every bishop, in virtue of his ordination, has a mission and authority over them, and yet they are to regulate the mission of the bishop and the priest, and to withdraw themselves from his authority, as often as they chuse it by an act of exclusion! Every priest and every bishop has an equal right to preach the gospel, and to direct them in the ways of salvation, and still they shall have a power to reduce this obligation of following and obeying to one, and to deprive the many of rights, duties and authority inherent in their ordination!

Instead of being driven into an ocean of difficulties and absurdities, by maintaining, that jurisdiction is inseparable from ordination, and allowing laymen to limit this jurisdiction by the erection of parishes, bishoprics and primacies; instead of carrying your researches into the darkness of remote ages; let us have but one sentiment, and hold but one language on

this important subject. Let us agree, that if the origin of some sees cannot be traced in history, or if in their establishment we read nothing but the part the prince had in such erection; let us, I say, agree, that without the concurrence of the church, such erection would be void and null. Null as to the prince, who, having no power but of this world, could not grant an authority which is not of this world. Null as to the minister, who cannot be the agent of the church on any see new or old, without the consent at least and the authority of the church.

If history furnished no instances of reclamation against the usurped power in the civil magistrate to erect sees, still your doubts would not be removed from the absurdities palliated, which are inherent in your system of a jurisdiction inseparable from ordination. The silence of historians could not be alledged in support of such an authority said to be vested in the temporal power. But it is not true, that history is silent on this subject.

We have already shewn you a very numerous and flourishing church in a very early age of christianity, adopting into its code a law enacted by several former councils, forbidding the erection of any new see, without the

the consent of the bishop whose jurisdiction extended to the city wherein it was to be established, we may plead the authority of the African church enacting; "that no bishop shall be
 "given to such cities as have never had one,
 "without the decree of a provincial council,
 "and without the consent of the primate, and
 "of him to whom such city belonged*."

Blastares, a Greek monk, a schismatic of the fourteenth century, has asserted, that the Emperor is competent to erect metropolitan sees. I answer, that the assertion is contradicted by a general council in the best days of the Grecian church, and which opposes to this pretension of the Emperor the decrees of Nice, and cry out; "Let us follow the canons; pragmatical sanctions and imperial edicts are
 "not to interfere heret†.

You tell us of a king of Kent who erected the metropolitan see of Canterbury, but you do not produce a single charter issued during his

* Placuit et illud, ut plebes quæ nunquam habuerunt proprios episcopos, nisi ex concilio plenario unius ejusque provinciæ, & primatis atque consensu ejus, ad cujus diœcesim pertinebant, decretum fuerit, minime accipiant. Integ. cod, can, eccles, Aff. Lab. t. 2. col. 1116.

† Sancta synodus dixit; contra regulas nihil pragmaticum valebit. Regulæ patrum teneant. Concil. Calced. Act. 4.

reign. We have been more fortunate in our researches, and can produce the authentic deed of the founder from the letters of St. Gregory*.

You next have recourse to the authority exercised by Charlemagne and Carloman, and we answer by producing the councils and popes who granted them this authority†.

You talk of a Childebert, who, on the petition of the inhabitants of Melun, undertook to erect an episcopal see there; but you suppress his application to the metropolitan, and the firmness of the venerable Leo of Sens in resisting the attempt. Had you acted more fairly, we should have known what to think of the erection of the new sees of Sedan, of Colmar, Laval, Versailles, Gueret, and Chateau-Roux, and in what estimation we ought to hold the men who have sacrilegiously dared to take advantage of those usurpations of the civil power. We should then have seen a perfect resemblance between the bishops of

† *Tua fraternitas—omnes Britanniae sacerdotes habeat, Domino nostro auctore, subiectos.* Epist. Greg. 15, l. 12. See Jour. Eccles, March 1791.

† *Concedi patimur & statuimus per apostolicam auctoritatem episcopales illic esse sedes.* See letters of Pope Zach, to Boniface, Lab, t. 6. Baluz. cap. journ. eccl. Feb. 1791.

our days and those of former times, and the ruling powers would be less surprised to hear these true pastors thus address them; "What right have you to take from us a flock and a diocese which God had entrusted to our care. Respect, we conjure you, the statutes of the fathers, the canons of the church. If the people have other views, they have forfeited their duty to the church, and are to be treated as deserters. As to those who shall dare to take possession of any part of our flock, without an authority issuing from the holy see or a council, let them and the apostate who ordained them know, that we will cut them off from our communion*."

* Præcipue nunquam nec suspicari nec credere potuimus quod hanc aut ordini nostro, aut etiam temporibus vestris, velletis injuriam generari, ut dioecesim nostram a Deo nobis commissam—ad alterius permittamus potestatem transire—Custodite quæso, statuta patrum & canonum severitate constricti, non patiamini sicut scribitis ad petitionem ejus plebis superstite proprio sacerdote, alterum episcopum ordinari. Quia si hoc petunt, quod nefas est credi, desertores potius judicandi sunt quam fideles—Nam gloria vestra optime debet & credere & scire, quia si contra statuta canonum quicumque episcoporum, sine consensu nostro melcedone episcopum voluerit ordinare, usque ad papæ notitiam vel synodalem audientiam, tam hi qui ordinaverint, quam qui ordinatus fuerit, a nostra erunt communione disjuncti. Epist Leonis episc. Senon. ad Childebertum regem,

Thus

Thus spoke to Childebert a worthy bishop of Sens; Brienne, his wretched successor, has not held the same language: but thus have spoken a hundred and thirty-four bishops of France, leaving Brienne and his three associates to blush at their nakedness.

The same representations were made to king Sigebert by thirty bishops assembled at Paris in 573.

In consequence of your system of jurisdiction inherent in character, you approve of that geographical operation, which, in our days, has fixed, limited and extinguished dioceses at the will of the secular power. By the same rule, and for the same reasons, you would have approved a similar operation, which allotting a bishop to Chateaudun, dismembered the diocese of Papolus bishop of Chartres. Let us gather the sense of the church from the words of the council. It begins by threatening with excommunication the unhappy Promotus, the le Constant, the le Sanadon, who had quitted the cloister to take possession of a bishopric erected purposely for them by the civil power*. Then addressing themselves to king Sigebert, the fathers in council as-

* A communionis consortio, vel ab ecclesiæ liminibus arceatur.

seemed represent to him how unwilling they were to believe that a christian prince could sanction so criminal an attempt; but if his religion has been surprised by evil counsellors, they exhort him to lose no time in wiping off so foul a stain, and removing the scandal from the church*.

But you have found a prince still more enterprising in the person of the famous Nomenoe, a rebel to the church and to his king. With a view to strengthen his rebellious party he raised Dol to the metropolitical dignity, and gave bishops to St. Brieux and Treguier. But unfortunately for you this prince, in his wild attempts, is inimical to your system. He did not make these changes in the episcopal sees by his own authority, but acted under the authority of an assembly which he wished to be considered as a council. But the church of France, destined one day to resist still more atrocious attacks on the spiritual power, expressed to this prince, in the strongest terms, her indignation on the decision. After up-

* Tamen si cujuscumque prava suggestione preventi, in hac tam obscœna et ecclesiæ universæ contraria consensistis, ab hujusmodi scandali defensione sinceritatis vestræ conscientiam expietis. Concil. Paris, anno 573. See Lab. t. 5. col. 919 and 921.

braiding him, with pastoral firmness, with his different crimes, they dwell with great severity on his scandalous attempt to drive the true pastors from their flocks. The council of Paris, like the bishops of our days, reclaimed the rights and privileges of the metropolitan, like them the council tells the usurpers, that notwithstanding the authority of the civil power, they are no better than base mercenaries, not to say thieves and robbers*. They then exhort him to penance for those scandalous aggressions, which you are not ashamed to adduce in support of your system.

Yes, this was the language of our ancestors on the usurpations which you alledge in proof of a jurisdiction, which the princes of the earth exercise by fixing or destroying the limits of our parishes and bishoprics, which you are pleased to call a geographical operation.

* *Episcopi legitimi propriis sedibus expulsi, et ut mitius loquamur, quia dicere nolumus fures et latrones, mercenarii introducti. Patroni nostri martini quondam diæcesis, rex qua vos esse negare non potestis, violata— Quamobrem monemus te, obsecramus, obtestamur quæ tuæ salutis cupidi; pone finem malis tuis, convertere ad Dominum cujus nemo nostrum effugere potest judicium. Fac fructus dignos pœnitentiæ, etc. Synodica concil. Parisi. ad Nomenpium ducem, anno 849.*

If

If you would form a right judgment of the horror and resentment always expressed by the church against this usurpation of the civil power, in consequence of a supposed jurisdiction inherent in ordination, I need only refer you to the history of the controversy long agitated between the Pope and the Emperor. The latter declared unequivocally, that in delivering to the bishops elect the ring and the crozier, they never pretended to fix their mission or jurisdiction, nor to give them a right to exercise it, but barely to invest them with those temporal rights which the church enjoyed by concessions from the Emperors. Still, because in the grant of these investitures, certain instruments were employed, which in other functions denoted a spiritual authority, because the liberty of the church was cramped in the institution of its pastors, to what persecutions did not the Popes expose themselves, what hardships did they not endure, rather than resign the prerogative of the church to the civil authority?

The canons of antiquity, far from acknowledging any right in the civil magistrate to fix the mission of priests and bishops to particular sees or parishes, deposed and excommunicated him who owed his appointment to

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the temporal power*. Guided by these precedents, the council of Clermont, where Pope Urban II. presided in 1095, expressly forbids the clergy to accept of any ecclesiastical canons, or any investiture connected with these honours from princes or any other lay persons. Can. 15 and 16.

Pascal II. expired in irons, and under the sword of Henry V. One hundred bishops, assembled in the council of Lateran, take the earliest opportunity, and employ the spiritual weapons to annul a privilege extorted by violence; they declare it to be an insult on the Holy Ghost, by cramping the liberty of the church in the institution of her ministers. Fleury, Hist. Eccl. l. 66, No. 12.

In the same light did the French bishops view the investiture of any ecclesiastical honour conferred by the temporal prince. Assembled in council at Vienne they declare it to be heretical†. Even Yves of Chartres, who,

* Si quis episcopus secularibus potestatibus usus, ecclesiam per ipsos obtineat, deponatur; & segregentur omnes qui illi communicant. Can. apost. 31.

† Investituram episcopatum et abbatiarum, et omnium ecclesiasticarum rerum, de manu laica sanctæ Romanæ ecclesiæ auctoritatem sequentes, hæresim esse iudicamus. Lab. t. 10, col. 784.

of all our divines, has shewn most complaisance to the imperial claim, hesitates not to pronounce, that if any layman shall be weak enough to imagine, that by these investitures he confers either a sacrament, "or the effect of a sacrament," he is guilty of a diabolical heresy. *Fleur. Hist. Eccles. lib. 66. No. 14.* In vain are all the forces of the empire put in motion; the church ceases not to reclaim, till the Emperors consent to employ in investitures the sceptre, which is the mark of their power, in order to abolish even the appearance of an attempt on the mission and jurisdiction of the church. *Idem, 4, 67, No. 30.*

Thus our forefathers discovered heresy and schism in the system of jurisdiction inseparable from ordination, in the immediate and the remote consequences of this system, even where they were not apparently connected with it.

After all that has been advanced in the course of this discussion, what idea can you entertain of a jurisdiction inherent in the sacerdotal ordination?

To convince you, that this opinion is arbitrary and unfounded, that it is scandalous and an insult on the church, that it is false and heretical, it was only necessary to consult

the nature of ordination and jurisdiction, the laws and usages of all ages, and the dogmatical decisions of the church.

To point out to you a long list of heresies contained in the civil constitution to which you owe your elevation; a constitution which in its detail is compounded of the various parts and consequences of your system, the Pope and our lawful prelates needed only to refer you to the canons, the anathemas, the decrees of their predecessors, and of the councils of all ages.

Say not, that the bishop of Rome, that Pius VI. that the prelates whose sees you usurp have made any alteration in the language or the doctrine of our ancestors. No; the crime of innovation is all your own. You have courted to your alliance a doctrine unknown to antiquity, but by the anathemas which have been pronounced against it. In opposition to the bishops of former ages, and of our own, you have either invented or revived a doctrine anathematised, and on this foundation you have raised the superstructure of your new church. Your prelates may boast a new creation. Our church, which has survived eighteen centuries, is the parent of truth; is alone the church of Jesus Christ.

Yours

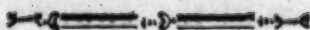
Yours, which has existed a few months, will moulder away with your systems, and wretched must posterity be if it reaches their days. The fathers see a clergy with a mission void and null, yet will it be a cursed mission to their children. Your ordinations and consecration may perpetuate the priesthood, but then they must perpetuate sacrilege and the most fatal delusion. The thunder rolls over your heads, it will burst and crush your sect.

The expression is strong and may offend; but it is unmanly to shrink from a charge which your conduct has provoked. You should excuse the effusions of a zeal, which aims only at removing a fatal delusion, which would lead you astray from the paths of salvation, and shut the gate of heaven upon you and your followers. Yes; I repeat it; you are a sect in every sense of the word.—A sect, heretical in its faith, and schismatical in its pastors. Heretical in its faith, because in what regards the sacraments, the mission and the jurisdiction of the priesthood, you believe what the church never believed, what she forbids you to believe, what is contrary to her belief. *Cum in ecclesia Dei persuasum semper fuerit, &c.* A sect schismatical in its pastors; because the authority of these pastors rest upon a doctrine

trine contrary to the faith of the church concerning true pastors.

Our demonstrations have made a deep impression on your minds; you shudder at the flash of conviction. But that is not enough. Weep, sigh, and be converted. Above all cease cruelly to delude a people whose greatest misfortune it is to have placed a confidence in your authority, while yours is the crime of imposing upon their credulity; of employing that ordination which consecrated you to the church as the means to raise yourselves into an independence on the church, to usurp the rights of the church, to rebel against the church; of having acted the part of their pastors, while the church considered you only as ravenous wolves; of having presumed to style yourselves the envoys of God to bless and absolve them, while heaven turned your blessings into curses, and while your absolutions were but a sacrilegious and damnable mockery.

BARRUEL.



Additional Note upon some Expressions of
ST. JEROME,

SOME readers having desired a more extensive explanation of the difficulties objected by our constitutional writers, on account of divers expressions of St. Jerome, I thought it proper to add here some reflections which I hope, will be sufficient to clear up the matter.

The texts objected to us are commonly taken from the letter of this holy father to Evagrius, and from his comment upon the epistle of St. Paul to Titus.

We read in the first, that according to the apostle, priests and bishops are the same; *cum apostolus doceat eosdem esse presbyteros quos & episcopos*; that, if one of them was chosen over the others, it was on account of avoiding divisions or schisms; *Quod autem postea unus electus qui cæteris præponeretur, in schismatis remedium factum est.*

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In the second, he says, that as the priests know, that their submission to a chief is grounded on the custom of the church, so the bishops ought to acknowledge, that their being superior to priests originated more from custom than from any particular disposition of Jesus Christ; *Sicut presbyteri sciunt se ex ecclesiæ consuetudine, ei qui præpositus fuerit esse subjectos, ita episcopi noverint se, magis consuetudine, quam dispositionis dominicæ veritate, presbyteris esse majores.*

The consequence of such expressions appears to be a perfect equality of priesthood and episcopacy as to their dignity, and that if bishops are superiors in the hierarchy, they owe their authority to ecclesiastical usages, not to divine laws.

Nothing being more contrary to the church's definitions than such a doctrine; and even this pretension, as St. Austin relates, (*lib. de hæresib. c. 53.*) having been condemned by the church among the errors of Arius, to whom certainly St. Jerome was a great adversary, it would be very extraordinary that he should have supported the Arian tenets. And this is at least a strong reason to believe, that our constitutionalists wrest the sense of the above quoted passages.

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To give them a more catholic sense, some commentators observe that, in the first age of the church, very few were promoted to priesthood, without receiving, at the same time, episcopal ordination and character, though only one of them were to preside over the diocese. If such was the meaning of St. Jerome, there is no more difficulty in asserting with him a true equality among priests and bishops as to the dignity, that is to say, as to their character.

Other divines observe, that these words, *priest* and *bishop* are indifferently used, and attributed by the holy writers, sometimes to the simple priests, and sometimes to the bishops; that *priest*, or *presbyter* meaning nothing but *elders*, and *bishop* or *episcopus* nothing but *inspector*, *overseer*, *intendant*, these words have been, in a true sense, applicable both to the priests and to the bishops; so it is no more surprising to hear St. Jerome affirm, that priests and bishops are the same persons, and raised to the same dignity.

I confess, that these solutions appear to be insufficient, because St. Jerome knew very well that, in his time, the denomination of priest and bishop had ceased to be common to these different degrees of clerical dignity;

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and of course he could not take any advantage of former usages in extolling the dignity of priests living in his days, as he certainly means to do.

Shall we then abandon so great a doctor to the explanations of our constitutionalists disciples of Camus! Not at all. We shall warn them, that the true sense of a writer, whoever he may be, ought never to be judged from one or two passages that appear, or are less exact, because less meditated in some circumstances, in which the intention of the author is not to treat particularly of the matter slightly alluded to; that every author ought to be explained by himself; that is, his expressions, somewhat obscure or unexact, are to be cleared up and unfolded by some other places, and especially by those where he treats chiefly, and with a greater accuracy, the same matter; finally, that we ought always to consider his principal object in the place from which such passages are taken, to see if he has not abandoned his pen to some exaggeration, and some rhetorical rather than theological expressions. These rules are to be followed especially in reading an author, whose style is generally known to be strong and vehement.

Let us now explain St. Jerome according to this rule of criticism, the only one proper to unfold his true sentiments. What does he intend, what is his particular purport in his letter to Evagrius! he is justly full of indignation against some deacons extolling and thinking themselves superior to priests. He wishes to humble their pride. I am no longer astonished to see his efforts in praising and exalting the priesthood; and, since it is true that priests have, for many important functions, the same power, the same character as the bishops; since their name was even common in the first ages; since the same advices and rules were addressed to both by the apostle, no wonder that St. Jerome says they are the same; for though they differ in some things, they are quite alike in others.

The same reason for praising the priesthood exists, when commenting on the epistle of St. Paul to Titus, St. Jerome reflects on some bishops neglecting or despising the priesthood, and never appointing priests to the functions of the church; they thought themselves abased, when assisted by priests in the government of their church. On this very important occasion, and on some others of the same nature, he praises the priests; he ob-

serves they have a divine institution, and the same author as the bishops; the intention of Jesus Christ was to make them assistants and coadjutors of bishops in administering the sacraments, in preaching, and in discharging a great many other ecclesiastical functions. He urges the same argument from similar and even common institutions, functions and denominations. Aiming, at that moment, only at the respect due to the priests even by the bishops, he remembers in what parts their character and dignity are the same, and leaves what his purpose did not require; that is, he omits pre-eminencies which it was not necessary that he should recal to the recollection of these bishops. But, to know if he himself did always forget these pre-eminencies of episcopacy above priesthood, let us cast an eye upon his letter to Marcella (let. 54.) here, in a very important occasion, since he means to indicate the principal differences of the heretical tenets of the Montanists, and of the catholic faith, here, after having said that Montanists do not keep the same rule of faith with the catholics, *in fidei regula discrepamus*, among many other proofs, St. Jerome observes, that in the church of Montanus, bishops are only considered as a third dignity, to which they prefer two other degrees.

degrees of their hierarchy, whereas in the catholic church the bishops are to be in the first place, as being successors of the apostles. This perfidy of Montanus, says he, is so evident, that it wants only to be pointed out, to be confuted. *Apud nos apostolorum locum episcopi tenent; apud eos episcopus tertius est; quasi ambiciosior religio fiat, si quod apud nos primum est, apud illos novissimum sit—perfidiam eorum exposuisse superasse est.* And lest you should again object, he understood the same by these words *priest* and *bishop*, see how distinctly he grants only the second degree to the priest; *Sacerdotes, secundus in ecclesiastico honore gradus, (In Hieremiæ, cap. 12.)* the priests, says he, are the second rank in the ecclesiastical dignity. And for fear again you should pretend that this distinction of ranks between bishops and priests is only owing to custom, see his comment upon these words of the prophet; *Ponam principes tuos pacem, & episcopos in justitiam*: here he exclaims: O wonderful majesty of scripture, which so determined the bishops to be princes of the church! When he so expressly took his proofs of the bishops pre-eminence from the rule of faith, from the words of the prophet, do you think that he knew no other cause of these pre-eminencies, but custom and human

human laws. And when he adds that the very existence of the church and of her unity depends on the dignity and authority of the bishop, that for this reason, no deacon, no priest have the right to administer the sacraments, even baptism, without permission of the bishop, *ecclesiae salus in summi sacerdotis dignitate pendet, &c.* Will you have us believe that, according to the opinion of this holy father, Christ provided for neither the existence of the church, or her unity? Far from that, we see this most excellent doctor asserting the pre-eminence of episcopacy by unwarrantable proofs from the rule of faith, from the holy writings, from the common catholic tenets, and even from an indispensable necessity.

Such being the express sentiments of St. Jerome, how wonderful is it that the enemies of our holy hierarchy pretend to justify their rebellion by the writings of this holy father! They judged of his opinions by some texts in which he thought not proper to express at large his sentiments, by some expressions which would be inadmissible if his real sentiments were not cleared up in other places. We think our method more suitable both to justice and to the high reputation of this holy father. By this our explanation it is evident, that

that his expressions of equality between priests and bishops are only to be understood of such powers and prerogatives as are common both to priesthood and episcopacy, never of a perfect equality; since he himself points out so many differences. When he says that the superiority of a bishop is owing to custom, he most probably aims rather at the personal happiness of a bishop, derived from a customary election, which might have fallen on any other priest. In that sense it is true, that a bishop owes his personal dignity to a custom rather than to a divine constitution, since his election was grounded on a simple ecclesiastical law. If you understand this passage of episcopal dignity itself as being only by custom superior to the priesthood, you evidently put St. Jerome in contradiction with his own doctrine, whereas there is nothing but truth in asserting, that to be appointed bishop is a personal advantage owing to some customary election, and that enjoying a superior dignity after such election and consecration, is a divine disposition. By this interpretation St. Jerome agrees both with himself and with all catholic divines. But should it have been impossible to make his opinions agree with the decisions of the church, we should

should have observed, that catholicity of opinions depends on general tradition, not on a single sentiment of any doctor, whatever may be his learning and holiness. We do what St. Jerome would have done himself, if he had known that his opinions were opposed to the decisions of the church, and especially of an œcumenical council, as the council of Trent. If St. Jerome had lived in our days, and known the objections made by our constitutionalists against this holy council, full of a just indignation, he would have answered them as we do: What do you mean by all your futile observations upon the obstacles opposed to the fathers of this council? They were many times obliged to separate; but finally they triumphed over all the obstacles opposed by the different interests of temporal princes, by the rage of heretics, and even by the plague. In spite of all these obstacles, they performed a work justly considered as the most perfect code of canonical definitions. You object that in the first meetings there was but a small number of bishops. What does this prove, since you know very well, that in the last sessions all their definitions were read again, approved and subscribed by all? You are surprised, that one
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or two bishops only of certain countries attended this council; but what will you think of the sixth and eighth œcumenical councils, where but very few of the western churches assisted, except the pope's legates? Should you then be ignorant, that the authority of œcumenical councils depend much less on the number of assisting bishops, than on a general admission of all present or absent chiefs of the church? You may repeat as often as you please, that many articles of discipline established by this council were never admitted in a large church jealously attached to her privileges; all the bishops of the same church will give you the answer that Bossuet, the most ardent defender of those privileges, gave to Leibnitz; they will tell you, that putting away the authority of the council of Trent, you put away the catholic faith.

And if finally convinced by all these authorities of the episcopal pre-eminence, you should think yourself abased, and ask why such a difference, such a distinction between your rank and the episcopal dignity, to put an end to your complaints, we have no other answer to you but that which you might have read in a treatise upon the different ecclesiastical orders, or in a letter to Rusticus a bishop of

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Narbonne,

Narbonne, attributed to St. Jerome himself. The highest veneration is owed to the bishop both by clergy and laity; for the thing formed shall not say to him that formed it: why hast thou formed me thus? Or has not the potter power over the clay, of the same lump, to make one vessel unto honour, and another unto dishonour. *Huic (episcopo) summa a cunctis clericis atque ab omni populo deferenda reverentia est; quia non dicit figmentum ei qui se finxit: ut quid me finxisti sic: aut non habet potestatem figulus luti ex eadem massa facere aliud quidem vas in honorem, aliud in contumeliam.*

BARRUEL.

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